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ABSTRACT

This volume records the text of the 1975 hearing before the United States Commission on Civil Rights held to examine the program and plans for the desegregation of Boston's schools. Developments surrounding the implementation of Phase I as ordered by the Federal district court in 1974 are discussed. Also explored are the plans for the implementation of Phase II as ordered by the same court in June 1975. The evidence presented at the hearing is weighed in the light of the 1954 Brown v. Board of Education decision. Included in the volume are statements by State and national officials, as well as testimony from politicians, students, school administrators, educators, and representatives of public and private agencies. (GC)

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Hearing Before the United States Commission on Civil Rights

ED177274

HEARING HELD IN

BOSTON, MASSACHUSETTS

JUNE 16-20, 1975

U S DEPARTMENT OF HEALTH,
EDUCATION & WELFARE
NATIONAL INSTITUTE OF
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U. S. COMMISSION ON CIVIL RIGHTS

The United States Commission on Civil Rights is a temporary independent, bipartisan agency established by the Congress in 1957 to:

- Investigate complaints alleging denial of the right to vote by reason of race, color, religion, sex, or national origin, or by reason of fraudulent practices;
- Study and collect information concerning legal developments constituting a denial of equal protection of the laws under the Constitution because of race, color, religion, sex, or national origin, or in the administration of justice;
- Appraise Federal laws and policies with respect to the denial of equal protection of the laws because of race, color, religion, sex, or national origin, or in the administration of justice;
- Serve as a national clearinghouse for information concerning denials of equal protection of the laws because of race, color, religion, sex, or national origin; and
- Submit reports, findings, and recommendations to the President and Congress.

MEMBERS OF THE COMMISSION

Arthur S. Flemming, *Chairman*
Stephen Horn, *Vice Chairman*
Frankie M. Freeman
Manuel Ruiz, Jr.
Murray Saltzman
John A. Buggs, *Staff Director*

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UNITED STATES COMMISSION ON CIVIL RIGHTS

Monday, June 16, 1975

The U.S. Commission on Civil Rights convened, pursuant to notice, at 9 a.m., Arthur S. Flemming, Chairman, presiding.

PRESENT: Arthur S. Flemming, Chairman; Frankie M. Freeman, Commissioner; Murray Saltzman, Commissioner; Robert S. Rankin, Commissioner; Stephen Horn, Vice Chairman; John A. Buggs, Staff Director; Jacques E. Wilmore, Regional Director; Lawrence B. Glick, Acting General Counsel; William T. White, Jr., Director, National Issues; Paul Alexander, Assistant General Counsel.

PROCEEDINGS

CHAIRMAN FLEMMING. I will ask the hearing to come to order, please.

I am Arthur Flemming, Chairman of the United States Commission on Civil Rights. I wish to welcome you to this hearing conducted by the Commission and introduce you to the other members of the Commission.

On my immediate left is Stephen Horn, Vice Chairman and President of California State University, Long Beach.

Next to Commissioner Horn is Frankie M. Freeman, an attorney from St. Louis, Missouri; and next to her is John Buggs, the Staff Director of the Civil Rights Commission.

On my immediate right is Robert S. Rankin, Professor Emeritus of Political Science at Duke University. Next to him is Rabbi Murray Saltzman from Indianapolis, Indiana; and next to him is Manuel Ruiz, an attorney from Los Angeles, California.

I also wish to introduce to you other members of the Commission staff who will participate in this hearing.

I've already introduced Mr. Buggs in the table in front of us, and to my far right is Lawrence B. Glick, Acting General Counsel of the Commission; next to him is William White, Assistant Director for National Civil Rights Issues; and next to him is Paul Alexander, Assistant General Counsel of the Commission.

Just joining us on my far right is Donald M. Stocks, a staff attorney—I'm sorry, it is Mr. Wilmore who is the Regional Director for this region, with his office in New York.

The function of the United States Commission on Civil Rights is to investigate deprivations of equal protection of the laws and to submit its findings to the Congress and the President along with the recommendations for corrective actions.

To enable the Commission to fulfill these duties, the Congress has empowered it to hold hearings and issue subpenas for the attendance of witnesses and for the production of documents. All witnesses are placed under oath.

This hearing is being held under the authority of the Civil Rights Act of 1957 as amended. As required by law, notices of the hearing were published in the *Federal Register* on April 22, 1975, and May 13, 1975. A copy of these notices will be introduced into the record at this point as exhibit no. 1 and no. 2.

The Commission on Civil Rights is an independent, bipartisan agency of the United States Government, established by Congress in 1957. Its duties are as follows:

1. To investigate sworn allegations that citizens are being deprived of their right to vote by reason of their race, color, religion, sex, or national origin;
2. To study and collect information regarding legal developments which constitute denial of equal protection of the laws under the Constitution in such fields as voting, education, housing, employment, use of public facilities, transportation, and the administration of justice;
3. To appraise Federal laws and policies with respect to equal protection of the laws;
4. To serve as a national clearinghouse for information with respect to denial of equal protection of the laws because of race, color, sex, religion, or national origin; and, finally,
5. To investigate sworn allegations of vote fraud in Federal elections.

On October 21, 1966, this Commission opened its first Boston hearing. That hearing was one of several held in various parts of the country, largely at the request of President Lyndon B. Johnson, who was concerned about the problems of race and education throughout the Nation.

Quoting from the opening statement made at the time of that October hearing, the Commission Chairman at that time, John Hannah, said:

> The President observed, at the time of his request to the Commission, that despite substantial progress in ending formal segregation in schools, racial isolation persisted in schools in both North and South. Such isolation, said President Johnson, presents serious barriers to quality education. He asked the Commission to gather the facts and make them available to the Nation as rapidly as possible. The President added that the Commission's findings could provide the basis of action, not only by the Federal Government, but also by State and local school boards, which bear direct responsibility for assuring quality education.

That's the end of the quotation from the opening statement at that hearing in 1966.

The hearing which was held at that time, together with an examination of the policies and practices of other school systems in the United States, culminated in a Commission study entitled *Racial Isolation in the Public Schools*. That study represents one of the most extensive and intensive reports ever issued by the Commission.

Today, as in the October 1966 hearing, we are here because education—quality, integrated education—is vital, in our judgment, to the well-being of this Nation. Now, as then, it is our intention to examine the program and plans for the desegregation of Boston's schools.

The Commission, during the week, will inquire into the developments surrounding the implementation of Phase I as ordered by the Federal district court in 1974 and the plans for the implementation of Phase II as ordered by the same court in June 1975. The Commission will weigh the evidence presented at this hearing in the light of the 1954 decision by the United States Supreme Court in *Brown* v. *Board of Education*.

Again, as was true in the Commission's October 1966 Boston hearing, the problems and opportunities now facing the people of Boston are faced by other communities throughout the Nation. Developments during the past 21 years support the Supreme Court's conclusion that a desegregated, racially integrated school system in every section of this nation is the only way that the constitutional right of equal opportunity for all children for quality education can be effectively implemented.

On June 21, 1974, the entire school system of Boston was found to be unconstitutionally segregated. The Boston School Committee was held responsible for intentionally segregating the city's students, teachers, and school facilities.

The suit called *Morgan* v. *Hennigan* was brought by black children and their parents against the Boston School Committee and others and sought to compel the desegregation of Boston's public schools. The plaintiffs argued that the Boston schools had been segregated and that the segregation was a direct result of the intentional acts of the school committee.

The defendants argued that if there was any segregation in Boston schools, it was the result of housing patterns, over which the defendants have no control, and of legitimate educational policy in operating neighborhood schools.

The United States District Court held the Boston School Committee and others responsible for segregating the public schools in the following areas:

First, the areas of facilities utilization and new structures: The court held that the Boston School Committee intentionally created racial segregation by allowing some schools to become overcrowded while leaving others partially vacant, by using portable facilities to avoid transferring students, and by locating the sites of new schools in certain school districts that would promote the attendance of one racial group.

Second, the area of districting and redistricting: The court held that the Boston School Committee made changes in district boundaries in order to perpetuate racial segregation.

Third, the area of feeder patterns: The court held that the student composition of Boston high schools was determined by a feeder pattern which paired certain intermediate and high schools bearing no relation to residence within the geographical area around a high school. This was carried out with segregatory intent.

The fourth area—open enrollment and controlled transfer: The court held that these two policies were managed under the direction of the defendants with intention of discriminating on the basis of race.

The fifth area—faculty and staff: The court held that faculty and staff were assigned to the various schools in a racially segregatory manner. The methods of faculty and staff hiring, transfer, and promotion resulted in the least experienced faculty and administrators being assigned to schools with a high percentage of black students.

The sixth area—examination and vocational schools and programs: The court held that the fact that substantial intentional discrimination was found in other facets of the school system led to the inference that these programs were also intentionally segregated.

Since the defendants were unable to offer any explanation for the small percentage of minorities in these schools and programs, the inference of intentional segregation was accepted by the court as fact.

The court's decision also answered the school committee's contention that segregation in the public schools stemmed only from neutral factors or factors beyond the control of the school officials. The court noted that although housing patterns are often responsible for school segregation, the choice of school sites also influences housing patterns.

The decision pointed out that proper selection of new school locations could have minimized the effect of housing patterns. The court also noted that the alleged neighborhood school policy had been so flexibly applied as not to amount to a policy at all.

Neighborhood schools were found to be a reality only where residential segregation was already encountered. In fact, the neighborhood school policy was circumvented, according to the court, by open enrollment, controlled transfer, extensive busing, and feeder patterns.

White children were consistently allowed to attend schools outside their neighborhoods when the local schools had high percentages of black students, but black children were not given the option to attend schools with high percentages of white students.

As a result of the court's findings, the Boston School Committee was ordered to begin immediately the process of desegregating Boston's schools by implementing the already existing plan drawn by the State board of education to reduce racial imbalance in the Boston public schools. This was known as Phase I.

Several temporary orders were issued by the court, including those freezing school construction and forbidding teacher transfers without court approval. The court also issued orders which constitute the basis for a permanent citywide plan to desegregate Boston's schools in the 1975–1976 academic year. This is known as Phase II.

The United States Court of Appeals and the United States Supreme Court have affirmed the district court's decision that the Boston School Committee intentionally maintained a segregated school system, thus exhausting all appeals on this issue.

The United States Commission on Civil Rights has studied school desegregation in numerous communities throughout the country for more than a decade. These comprehensive studies have enabled the Commission to evaluate what it is that makes desegregation work in a given community. In our report, *Five Communities: Their Search for Equal Education*, we stated, and I quote:

> Successful school desegregation is not achieved without substantial effort on the part of many groups and individuals—the school board, the superintendent, the teachers, the news media, civic leaders, and the students themselves.

In another report entitled *School Desegregation in Ten Communities*, the Commission said:

> Worth cannot be measured solely by reference to achievement test scores, daily attendance rates, and the like. Nor is its value limited to minority students alone. All of us—majority and minority alike—have a vital stake in overcoming racial injustice and establishing conditions under which all segments of the Nation's population will flourish.
>
> The Commission believes it is time to emphasize what unites us as Americans rather than what divides us. Despite our efforts, we, the older generation, have largely failed to achieve a unified society. We must now look to a new generation—our children—to bring about this unity. We must now look to our children to develop the sense of respect and appreciation for individual worth, regardless of race or ethnic origin, which we, their parents, somehow have been unable to develop.
>
> The schools can play a key role in determining the future of American society—either in perpetuating racial unrest and distrust or in fulfilling the historic role that Horace Mann saw as the "great equalizer of the conditions of men—the balance wheel of the social machinery." If the schools are to be a positive influence in shaping the Nation's future, they must first meet their fundamental obligation to bring our children together.

More recently, the Commission has been issuing a series of reports summarizing the status of civil rights in a number of subject areas. We began the development of these reports on the 20th anniversary of *Brown v. Board of Education*. In one of these reports, focusing on education, entitled *Twenty Years After Brown: Equality of Educational Opportunity*, we state:

> Opponents of desegregation, and many proponents as well, often suggest that if desegregation was ordered to achieve equal educational opportunity, then desegregation must be justified primarily by the academic achievement of majority and minority pupils in desegregated schools. Achievement, in such cases, frequently is defined as the outcome reflected in cognitive test scores. The controversy surrounding testing itself, its meaning and cultural and language bias, generally is discounted. Even on these terms, however, the available data generally are supportive of desegregation.
>
> All such considerations avoid the basic issue: the 14th amendment to the Constitution, not scientific findings, governs both desegregation of the public schools and the transportation, if required, to achieve it. Decisions affecting desegregation rest on legal and moral grounds, rather than on scientific research, regardless of its results.

This report contained findings of the Commission arrived at by the Commission after a review of the evidence which had been submitted to us. One of our findings reads as follows, and I quote: "Most fears about school desegregation have proved groundless, and desegregation generally is working where it has been genuinely attempted."

In discussing that particular finding, the Commission said this: "Given adequate preparation, planning and leadership, desegregation can and has been a force contributing to substantial improvement in the quality of education, including among other factors the opening of new opportunity to know and understand persons of differing backgrounds."

Desegregation, in the judgment of this Commission, is essential to the well-being of our society.

In its memorandum of decision on June 5, 1975, the U.S. District Court explained the remedies which it had adopted in the permanent, citywide plan. And at this point, we desire to refer to and to incorporate as a part of our opening statement, the following excerpts from the judge's memorandum of decision:

> The desegregation remedy in this case must offer more than superficial neutrality. It must meet and neutralize the effects of past discrimination. The Supreme Court repeatedly has stressed this necessity in requiring that a desegregation remedy do more than give effect to the "free" choices of students and parents, when the effect of these choices is simply to maintain the segregation of schools.

> The day is past when desegregation is to be achieved through the struggle of a handful of pioneering black students willing to attend a school that is identifiably white. Nor is a simple rule of attendance at the nearest school adequate, when that rule is imposed on a pattern of segregated housing attributable in part to the segregative practices of school authorities. Such a "neutral" geographic attendance arrangement in Boston would sanction a freezing-in of the effects of past discrimination. Long-continued efforts by the school authorities to keep the races apart inevitably are reflected in both residential patterns and school locations and capacities. Only the default of the school committee in this case has obliged the court to employ the help of the appointed experts and masters and draw an adequate plan.
>
> The goal of the court in formulating a remedy for intentional segregation of the schools is to eliminate government-imposed isolation of blacks within the school system. Largely as a result of school committee actions, most students in Boston attend schools that are either "black" or "white." The remedy in this case must convert this "dual" system to one "without a 'white' school and a 'Negro' school, but just schools."

The court, the opinion continued, had heard members of the school committee in testimony and others speak against "forced busing" and had received hundreds of letters protesting its use in connection with the State court plan currently in operation.

> Towards lessening widespread misunderstanding on the point, it may be stated that the court does not favor forced busing. Nor, for that matter, have the plaintiffs advocated forced busing. What the plaintiffs seek, and what the law of the land as interpreted by the Supreme Court of the United States commands, is that plaintiffs' right to attend desegregated schools be realized. That right cannot lawfully be limited to walk-in schools. If there were a way to accomplish desegregation in Boston without transporting students to schools beyond walking distance, the court and all parties would much prefer that alternative. In past years, feasible proposals that would have substantially lessened segregation through redistricting without busing were made by various public agencies and uniformly rejected or evaded by the Boston School Committee.
>
> The harvest of these years of obstruction and of maintenance of segregated schools is that today, given the location and capacities of its school buildings and the racial concentrations of its population, Boston is simply not a city that can provide its black school children with a desegregated education absent considerable mandatory transportation. No party familiar with the requirements of the law and with the city has ever suggested otherwise.

That is the end of the quotation from the memorandum of opinion by the U.S. district court judge.

The session that we begin as a Commission on Civil Rights today will be a public session. The witnesses we will hear have been subpenaed by the Commission, and the schedule, as you will note from the agenda, has been planned in advance. However, there will be a session in which persons who have not been subpenaed but feel they have relevant testimony may appear and speak. The session is scheduled for Friday, June 20, 1975, between 1 and 5 p.m.

Persons who desire to appear at that session must contact the Commission staff in room 1509 of this building. Appearances will be allotted on a first-come basis, and each person will be allowed 5 minutes until the 4 hours are exhausted.

The Commission, following the conclusion of these hearings, will issue a public report containing its findings and recommendations. This report will be completed in time to be considered by all interested parties before the opening of the schools in Boston in September.

I would like to emphasize at the outset that a Commission on Civil Rights hearing is not an attempt to embarrass any one State, city, group of people, or individuals, but rather an attempt to explore problems and relationships in such a manner as to allow us as a Commission to formulate appropriate recommendations, which if implemented will help to make civil rights a reality in the lives of millions of persons.

Throughout the Commission's 18-year history, it has always sought to conduct its hearings in an objective manner. This same objectivity will prevail at this hearing. Federal law protects all witnesses subpenaed to appear before the Commission. Commission procedures require the presence of Federal marshals at its hearings in order to help insure the atmosphere of dignity and decorum in the conduct of its proceedings.

At this point, Commissioner Freeman will explain the rules that govern the proceedings of our public hearing. Mrs. Freeman.

COMMISSIONER FREEMAN. Thank you, Dr. Flemming.

At the outset, I should emphasize that the observations I am about to make on the Commission's rules constitute nothing more than brief summaries on the significant provisions. The rules themselves should be consulted for a fuller understanding. Staff members will be available to answer questions which arise during the course of the hearing.

In outlining the procedures which will govern the hearing, I think it is important to explain briefly a special Commission procedure for testimony or evidence which may tend to defame, degrade, or incriminate any person.

Section 102(e) of our statute provides, and I quote:

> If the Commission determines that evidence or testimony at any hearing may tend to defame, degrade, or incriminate any person, it shall receive such evidence or testimony in executive session. The Commission shall afford any person defamed, degraded, or incriminated by such evidence or testimony an opportunity to ap-

pear and be heard in executive session with a reasonable number of additional witnesses requested by her or him before deciding to use such evidence or testimony.

When we use the term "executive session," we mean a session in which only the Commissioners are present, in contrast to a session such as this one in which the public is invited and present. In providing for an executive or closed session for testimony which may tend to defame, degrade, or incriminate any person, Congress clearly intended to give the fullest protection to individuals by affording them an opportunity to show why any testimony which might be damaging to them should not be presented in public.

Congress also wished to minimize damage to reputations as much as possible and to provide persons an opportunity to rebut unfounded charges before they were well publicized. Therefore, the Commission, when appropriate, convenes an executive session prior to the receipt of anticipated defamatory testimony.

Following the presentation of the testimony in executive session, and any statement in opposition to it, the Commissioners review the significance of the testimony and the merit of the opposition to it. In the event we find the testimony to be of insufficient credibility, or the opposition to it to be of sufficient merit, we may refuse to hear certain witnesses even though those witnesses have been subpenaed to testify in public session.

An executive session is the only portion of any hearing which is not open to the public. The hearing which begins now is open to all, and the public is invited and urged to attend all of the open sessions.

All persons who are scheduled to appear who live or work in Massachusetts or within 50 miles of the hearing site have been subpenaed by the Commission. All testimony at the public sessions will be under oath and will be transcribed verbatim by the official reporter.

Everyone who testifies or who submits data or evidence is entitled to obtain a copy of the transcript on payment of costs. In addition, within 60 days after the close of the hearing, a person may ask to correct errors in the transcript of the hearing of his or her testimony. Such requests will be granted only to make the transcript conform to testimony as presented at the hearing.

All witnesses are entitled to be accompanied and advised by counsel. After the witness has been questioned by the Commission, counsel may subject his or her client to reasonable examination within the scope of the questions asked by the Commission. He or she may also make objections on the record and argue briefly the basis for such objections.

Should any witness fail or refuse to follow any order made by the Chairman or the Commissioner presiding in his absence, his or her behavior will be considered disorderly, and the matter will be referred to the U.S. attorney for enforcement, pursuant to the Commission's statutory powers.

If the Commission determines that any witness' testimony tends to defame, degrade, or incriminate any person, that person or his or her counsel may submit written questions which in the discretion of the Commission may be put to the witness. Such person also has the right to request that witnesses be subpenaed on his or her behalf. All witnesses have the right to submit statements prepared by themselves or others for inclusion in the record, provided they are submitted within the time required by the rules.

Any person who has not been subpenaed may be permitted in the discretion of the Commission to submit a written statement at this public hearing. Such statement will be reviewed by the Commission and made a part of the record.

Witnesses at Commission hearings are protected by the provision of Title 18, U.S. Code, Section 1505, which makes it a crime to threaten, intimidate, or injure witnesses on account of their attendance at Government proceedings. The Commission should be immediately informed of any allegations relating to possible intimidation of witnesses.

Let me emphasize that we consider this a very serious matter, and we will do all in our power to protect witnesses who appear at the hearing.

Copies of the rules which govern this hearing may be secured from a member of the Commission staff. Persons who have been subpenaed have already been given their copies.

Finally, I should point out that these rules were drafted with the intent of insuring that Commission hearings be conducted in a fair and impartial manner. In many cases the Commission has gone significantly beyond congressional requirements in providing safeguards for witnesses and other persons. We have done this in the belief that useful facts can be developed best in an atmosphere of objectivity and calm. We hope that such an atmosphere will prevail at this hearing.

With respect to the conduct of persons in this hearing room, the Commission wants to make clear that all orders by the Chairman must be obeyed. Failure by any person to obey an order of Chairman Flemming or the Commissioner presiding in his absence will result in the exclusion of the individual from this hearing room, and criminal prosecutions by the U.S. attorney when required.

The Federal marshals stationed in and around this hearing room have been thoroughly instructed by the Commission on hearing procedure, and their orders are also to be obeyed.

This hearing will be in public session each of the 5 days of this week. Daily sessions will be without breaks or intermissions. Today's session will recess at 5:30 p.m.; Tuesday's session will begin at 1 p.m. and will continue until 6:30 p.m.; Wednesday's session will begin at 9 a.m. continuing until 6 p.m.; the session on Thursday will start at 9 a.m. and will recess at 7:15 p.m.; on Friday, the final day of this hearing, the session will begin at 9 a.m. The time between 1 and 5 p.m. has been set aside for testimony from persons who have not been subpenaed but who wish to testify.

As noted by Chairman Flemming, persons wishing to appear at that open session should be in contact with members of the Commission staff in room 1507 during this week. This hearing will conclude at 5 p.m. Friday evening.

Thank you.

CHAIRMAN FLEMMING. Thank you very much, Commissioner Freeman.

We will now call and recognize as the first witness in this hearing the Honorable Paul Parks, secretary of education, who as I understand it, will make a statement on behalf of the Governor.

[Whereupon, Hon. Paul Parks, secretary of education, was sworn by Chairman Flemming.]

STATEMENT OF HONORABLE PAUL PARKS, SECRETARY OF EDUCATION OF THE COMMONWEALTH OF MASSACHUSETTS, ON BEHALF OF THE OFFICE OF THE GOVERNOR

CHAIRMAN FLEMMING. We are very happy to welcome you.

MR. PARKS. It is my privilege to be here.

I thought one of the things I would do is open and sort of say for the Governor of the Commonwealth of Massachusetts that it is his intent and has been in the past, by instructing me and Secretary Barry to be his agents in the support of Boston and Boston's officials in the desegregation plan.

To that end, we have been meeting with public safety people, such as the head of the State police, the head of the National Guard, Secretary Barry's people, and people from the Boston Police Department, people from the Metropolitan District Commission Police Force, to talk about and to try to put together a plan for next fall.

We have been meeting now over a series of a couple of months so that we will not be in the same position we were in last year, where things happened so rapidly after the judge's decision. And the decision was too low-profile last year, as it was, and I think that brought us to some problems that we probably could have alleviated if we had police in greater numbers on the street.

As you know, last year I was one of the five-member team that was handling public safety for the mayor of Boston, so I was a part of this thing from probably its inception after the judge's decision last summer. And also, I was involved in—and I went to many of the schools that were being disrupted. We had people who were on the streets—I had staff members who were involved in walking the streets in South Boston and Hyde Park and bringing back information so that we would know prior to any trouble where it was going to occur, and we met with many of the students and many of the teachers.

And in that sense we do have a sense about what happened last year, and knowing how intense that was, have no reason to suspect at this moment that we probably won't see some of that again. And so it's to that end that we are trying to prevent by having a very well-developed public safety plan, from the Governor's standpoint.

We've also been involved, from the Governor's standpoint, in trying to help Boston meet some of its financial needs. We started out with chapter 636 of the general laws of the Commonwealth which allows us to support desegregation efforts on the part of the cities and towns. So in that sense, most all of the busing that meets the State busing laws, which is over a mile and a half for transporting youngsters, is totally reimbursable by the State.

We have also been able to support Boston in some of its planning, in some of its corridor aides, and people who had been supportive of the desegregation issue.

To that extent, that money amounts to somewhere in the neighborhood of about $6 million. The total cost, as we are now being able—after our investigation along with Boston officials—is somewhere in the neighborhood of $7 million.

The million dollar difference is because at least $1 million is not reimbursable by the State, because part of our grants such as coming out of chapter—one of the chapters of our general laws, which requires a matching share. We can only pay 55 percent of some of the costs.

The one cost that we can't pay that Boston is suffering from, without some special legislation, is the cost of some overtime of the police. Now, the police overtime ran last year some $7 million. Boston, at the moment, is facing the problem of having to find a way to pay for that. They have asked the State to assist them in that. There is no way that the State—we thought for a moment that we could probably talk about transferring funds from the highway fund to that, but the laws do not allow us to use money from the highway fund to pay police costs.

So the only way that we can support Boston in paying police costs would be to put special legislation in. And that is presently being looked at now, as to whether or not that is going to be feasible at all.

I think that other than that, the Governor's position is that he will support Boston in any way he can. He will support to see the public safety of the youngsters in any way that he can, and that he is totally supportive of trying to see that it runs as smoothly as possible in the next phase.

Chairman Flemming. Thank you, very much. Does Counsel have any questions he would like to address to Mr. Parks?

Personally, I am very much interested in the outline that you have given us in terms of the Governor's plan and the State's plan to provide support for the implementation of Phase II.

Mr. Parks. Yes.

Chairman Flemming. I think I speak for the Commission when I say that as we go through the hearings this week, we are very, very much interested in the plans that are being made at all levels for the implementation of Phase II. I notice that in your opening comments, you stated that the State is going to be just as supportive as possible in the area of public safety. I also noticed that you intend to be as supportive as possible in terms of the financial needs that arise out of the implementation of Phase II.

We have noted with some interest that in Phase II provision is made for some very direct relationships on the part of institutions of higher education with schools in the Boston area.

As the secretary of education, I am wondering if you could share with us any plans that the State may have to help the educational institutions relate to the schools in the manner provided for in the court's order.

Mr. Parks. We have been meeting—at least I have been meeting with Commissioner Anrig about the issue of the universities and colleges working with the individual schools in the city of Boston. To that end, we have also set aside some funds which can be used by the institutions for getting the necessary staff people that they have to have in helping to develop curriculum over the summer.

Chairman Flemming. Could you indicate the amount of money that's involved?

Mr. Parks. As I remember, we are talking about somewhere in the neighborhood of, let's see, what was it—we have a total—I think it's $900,000, somewhere in that neighborhood, is the total amount of money that is available for the program.

Chairman Flemming. How is it planned to use that? Are you going to allocate that to the—what is it—20 institutions that are involved?

Mr. Parks. I think it's 20 institutions. What will happen is that we are going to try to meet their individual needs for the summer, particularly for this transition period.

Chairman Flemming. That is so that the institutions of higher education can be of help to the school system during the transition period?

Mr. Parks. During the transition period, because, you see, many of the institutions that have been chosen to work with and have agreed to work with the schools, have probably never been involved in education before, and many of them have never been involved in educating youngsters at the elementary or secondary levels where most of them are going to be. So in that sense, it is necessary for us to try to develop some sort of support services for the institutions as they plan. For instance, I feel very strongly—and this is my personal feeling—I feel very strongly that a part of the youngsters' time ought to be spent in the university setting, that empty classroom spaces within the universities ought to be used by the youngsters because this might be the most important experience that comes out of the rapid transition we have to go through now in the summer.

There will be a lot of rough edges around curriculum and support services and things of this sort. And one of the things the youngsters can get from a meaningful experience is going into the institution and being able, for the first time for many of those youngsters, to be shoulder to shoulder with kids who are going to college, and that can act as kind of an inspiration for the youngsters to see another way out of their dilemma, rather than the kinds of thing that many of the youngsters have seen as dead ends for themselves. That piece we are planning.

There's going to be a lot of interaction over the summer between the State personnel and the universities and colleges.

Let me just say that I think that you will probably hear much testimony about this, but I think it would be a mistake on my part not to at least share with you an important piece of what happened last fall, because as I said, I was very deeply involved in it from the beginning. I think one of the most exciting things that happened last fall in the whole picture was how well the black community reacted to the desegregation order. There were several organizations that went on the streets. There were people—I had some 36—at that point I was head of Model Cities, and we had about 36 to 40 people on the streets every day to be sure no rocks were thrown at any buses, that no children were harassed, and that it went as smoothly as it did [was] because an awful lot of people from the black community were working very hard to see that it went well.

There were 2 or 3 nerve centers—control centers. One was at Freedom House and one was at Model Cities. As I told you, we at Model Cities had staff people that we were paying to work the streets, in South Boston and Hyde Park and Roslindale, particularly. And we were able to know when things were going wrong. We were supportive to the youngsters coming into the city. I spent most of my time riding around with the deputy superintendent of police, Deputy Superintendent Chase, who had the responsibility for seeing that that went well.

Even when we had trouble with the institutions we had people from our community who could go into the vacuum, and unfortunately that did not occur in other sections of the city, and I think one of the reasons why we had so much trouble last fall was the fact that there was not enough supportive service from the communities which were participating, even against their will, if you please, in the desegregation issue.

And I think I would like to just state that, because that is an important piece. With some more community participation and cooperation, we could probably get over this, because it doesn't make sense—like, we have 80 policemen inside of Hyde Park High School on a regular basis, and we have 80 policemen on a regular basis in South Boston High School.

And it seems to me that one of the things that is going on is that the teachers and the principals are no longer handling the discipline of the school. Those two schools at least. They are depending, by and large, on the police department to handle that, and that has been an ongoing problem, because policemen when they go into a fray are in a position where they must make arrests, and many times they shouldn't—let me stop there. I just wanted to share that with you.

Chairman Flemming. Could I return just a moment to the Phase II, and the relationship to the institutions of higher education. Have you, as secretary of education, met with the representatives of the 20 schools as yet?

Mr. Parks. No, I haven't. Commissioner Anrig has met with them. We discussed it, that my meeting with the institutions will probably come a bit later. What I have been by and large doing is working with Commissioner Anrig to see that the resources are there so they could produce those for the institutions, so that the institutions will have the necessary financial resources and other kinds of backup resources to do the job.

Chairman Flemming. If it becomes clear the additional resources are needed over and above the $900,000 to which you referred, is the State in a position to commit some additional resources in order to make this relationship between the higher education institutions and the schools as effective and as meaningful as possible?

Mr. Parks. At the moment, the money—there will be additional money in next year's budget for the same chapter, chapter 636, that the money's coming out of. We will be funding that at pretty much the same level as it has been this year. So we can be assured of the fact that the same amount of money we are using will be available next year. If it costs any additional funds that will require some special budget request to the legislature. I don't foresee that that will be necessary, but if it is, that is what we would have to do and how well that goes is up to anybody's decision.

Chairman Flemming. Vice Chairman Horn?

Commissioner Horn. Pursuing the matter of education for a moment, to what degree has your office or the superintendent examined the methods by which the colleges and universities of Massachusetts who prepare the teachers, the counselors, the administrators for all the schools, including the Boston schools, sensitized the people they prepare to the problems of multiracial, bilingual, multicultural communities so that in the long term, we can solve some of these problems? This isn't just to aid students next year during the summer. But how assured are you that the universities and colleges are educating your manpower—personpower, if you will—to do this job?

Mr. Parks. Around this issue—in fact, today I am meeting with all the presidents of the community colleges. Tomorrow afternoon I will be meeting with all the presidents of the State colleges. We have been meeting like this over the last couple of months, the 6 months that I have come into office—I have been here only 6 months—talking about what has to happen in terms of attitudinal changes among the people coming out of institutions as teachers.

Number two, but more substantial, we have, with the Governor's support, instructed each one of the colleges and universities, for instance, that they would have to get 20 percent of their staff—from their teaching staff as well as their administrative staff—must be minorities, because we feel that we must start along the way is to begin to bring people onto the campus who have an interchange with the people to begin to discuss how we get at this issue of attitudinal change on the part of the people in the structure.

No question about it, we are very sensitive about the fact that one of the problems that we face in public schools is the way people were trained who came to those schools and the kind of things they have been infused with mentally as they come to work with the youngsters.

That is why I have said many times that I have been opposed to maintaining an all-black school with a white teaching staff, for instance, because I felt that was detrimental to the youngsters, because many times the ability to sort out people who are going to be less destructive is very difficult.

I think that one of the things that I have as one of my objectives is going to try to have a change in the mindset of the people who are going to be coming to classrooms as teachers. We are beginning to work on that now.

COMMISSIONER HORN. I assume your discussion with the State colleges and universities, you would also be discussing with the private schools who have a role in preparing teachers.

MR. PARKS. We are also working—we are putting together a new commission that will probably be ready to go the middle of next month, where we will have meetings of publics and privates. Every month I meet with the public presidents and I meet with the representatives of the private presidents. Once every 2 months we meet with a combination of the two. Now we are going to set up this commission of public and private [university and college] presidents under our 1202 commission that will be an ongoing place where we will deal with these issues that I'm talking about.

I think we're going to have the structure put in place in another couple of months, and I think you can begin to realize and appreciate that we will have changes over the next year or so.

COMMISSIONER HORN. I was impressed with some of your comments as to the financial aid, the forward look in planning dealing with Phase II that you mentioned, but you are in a unique position to advise this Commission not simply about what happened in Boston—since one of the purposes of the Commission to come to Boston is to try and gain from that experience to apply to other areas of the United States. You were involved in local government during Phase I. You are now with the State government in Phase II. I would like to ask you several questions related to that. Besides the problems of the low profile that you mentioned earlier, the problem of finance, perhaps State support for excessive local costs that desegregation brings, what are some of your conclusions as a result of Phase I that Boston or any other community might benefit from as they go through this process?

Mr. Parks. It seems to me there were attempts to hire local groups of people as corridor monitors to the school buildings, people from the communities hired for that and people hired as bus monitors. One of the unfortunate things that happened that neither one of these groups of people were well trained. They didn't quite know what their job was. For instance, one day there was an altercation on the back of one of the buses that was at a certain location. I went aboard the bus because the bus monitor left the bus, running in fear because two youngsters were fighting on the bus, a black youngster and a white youngster, and I ended up wading into the middle of the fray to break it up.

But the bus monitor was there to maintain some order. But they were not trained. They were not comfortable about the role and I think it is important that people going to work with youngsters and work to try to control the situations, that they ought to be better trained in the first place before they are put into the fray because then they don't know what they are doing.

Number two is, I think, that it was important for the faculty of the schools, the teachers and the principals, should have gotten better training before the school opened. There should have been some attempt in those schools where it seems to me that in some of the schools where there was going to be the integration process occurring, that there ought to be some selection of faculty who would be more receptive to the kinds of situations that were going to be recurring in those schools. I think that was important.

I think the other thing that one has to do is that we looked around and suddenly realized that there weren't many black teachers. As it was, another serious factor, we didn't have many black policemen. Given the fact that we didn't have those people, when the youngsters began to say that "we don't feel comfortable unless we see some of ours there," we didn't have "some of ours" there to put in because there weren't enough to go around.

So there is a need for—the judge was absolutely right when he began to mandate there be more teaching people and certainly more administrators who were minorities, because that to me is key.

The other piece is it seems to me that—I would suggest that we knew where the areas were where there would be problems. I think that there should have been more concentration on the streets. Number two is—of people on the streets to try to control that.

The second piece of this is the relationship of what happened with the Federal authorities. We had a Federal court-mandated desegregation order. People were violating that order. People were congregating in front of schools; people were obstructive to buses. They were trying to create a whole climate of fear so that black youngsters wouldn't be sent by their parents to these various schools. And it seems to me that one of the things we could have had was a more high visibility on the part of Federal authorities to come into the breach.

For instance, you know it's one thing to have a policeman arrest someone and take him into a district court in an area. It's another thing to have the FBI pick him up and move him out. It's one of those things; somebody said when the FBI arrests you, you disappear forever. They look at the movies and they see—that's a different thing than your friend, Joe, who arrests you and takes you to court where you have another friend on the bench who says, "I understand the problems those people are having and I have to be more lenient."

What we needed at the very beginning was a show of authority. I think that's important to look at where you know you're going to have intense friction, an initial show of authority that lets people know they have to pay a price for being disrupted, and that wasn't done.

COMMISSIONER HORN. One last question. Based on your experience at the grass roots last year, what would you include about the role of the media, both local and national, as the problems of desegregation evolved?

MR. PARKS. You know I keep worrying about—one talks about the first amendment and all these kinds of things, and you start saying what is the role that the press can reasonably play. I remember when we showed up at Girls' High School the first day. I couldn't get into the building for the press. The kids knew the press was there. And some of the kids acted out for the press.

Now, the press, it seems to me, you have to cover it. It was important that the isssue got covered. By and large we had worked out with the city, at least, a relationship with the press so that everybody knew what we were about and the press was very cooperative. And i have to applaud the press, the Boston press. Even looking at their coverage, the coverage they had was a very honest and balanced kind of coverage.

Unfortunately, some of the national press coming in, when they did things that showed Boston nationally, many times they weren't scrutinizing as carefully as the local press and maybe that was because of the fact that our relationship with the local press had started early last summer and we have the pressroom set up. There was a way to check on the stories so that stories that weren't properly approved or couched in the right terms wouldn't go out for public consumption.

Obviously, if you saw screaming people and show policemen beating people over the head, you escalate some other kinds of things. Those things have to be handled carefully. The best thing to do is for the city to work out its relationship. How we handle the national press, I don't know, but with our local press we were very successful in working out a relationship between the mayor's office and the press and the black community, so we had a press briefing on all of those, and the press got the information they needed and felt they wanted to have, but got it in a way that made us all more responsible.

COMMISSIONER HORN. Thank you very much.

Chairman Flemming. Commissioner Rankin.

Commissioner Rankin. I wonder if you could summarize your previous testimony. You said that last year the failure was due to a failure to anticipate possible difficulties?

Mr. Parks. We anticipated the difficulties and made a conscious decision to low profile with our police authorities.

Commissioner Rankin. Now you are trying to overcome that and trying to anticipate possible difficulties at the present time. It is beyond the planning. Can you tell us anything that you are doing, that the State is doing, that might help?

Mr. Parks. Here are some of the things we are doing: Number one, we know that we have about 300 State policemen that possibly could be available for duty. Possibly 100 MDC policemen with a possibility of about 2,000 National Guardsmen who are trained to go on the streets; these forces in support of the Boston Police Department.

If we get past those numbers it will probably have to have—if things got so bad that we got past those numbers which I am saying are—don't hold me to the exact number, obviously, but sort of as projections and targets—if we get past there, we will need Federal support.

The question is how Federal support can come, at what point are we able to depend on it, and what is the process by which we do, because last year we ran into all kinds of difficulties trying to get to the point where we could see our way clear to call on Federal troops if we needed them.

Commissioner Rankin. Up to now you have not had the Federal support you would like to have?

Mr. Parks. I don't think we have. One of the things we have begun to do, we have begun to talk to the U.S. attorney's office and the community affairs people from the Justice Department. They are now working to try to get people from the White House and from the U.S. Attorney's office to come to our meetings now that we will be having every 2 weeks to sit with us in the public safety planning. Now, if they come, I think that they will begin to hear what we are trying to do and be able to be supportive of us.

Commissioner Rankin. Another question. What percentage of Boston school problems have been due to financial difficulties, would you say?

Mr. Parks. I don't know as we can say any of it was due to financial difficulties.

Commissioner Rankin. I thought you mentioned that.

Mr. Parks. No, what I said was that there was no way to pay the police. In other words, if you are saying, "Did the lack of finances cause something to happen in the desegregation thing that caused the escalation?" I would say, not to my knowledge.

I would say, however, though, that Boston paid its police, it paid whatever other service it had. We are reimbursing. There's about $7 million that can't be reimbursed now that Boston has, and obviously Boston is paying quite a price for, you know, for trying to—for support.

And what we're suggesting is that we need to bring more Federal funds and more State funds, if we possibly can, to bear. The State is in very serious trouble economically, so it can't be looked at, so we will have to look to the U. S. Government again.

COMMISSIONER RANKIN. Well, you said you are looking toward the possibility of special legislation as far as the State can tell. Have you put them in the hands of the attorney general for an opinion as to whether that can be done?

MR. PARKS. We can put special legislation in to pay overtime for the Boston police. That is constitutional. What we cannot do, as I said, was transfer money from the highway fund to pay the cost for police overtime.

COMMISSIONER RANKIN. Do you have any idea you can get away with that, have money from the highway fund transferred—

MR. PARKS. I said we can't do that. That is not possible.

COMMISSIONER RANKIN. I didn't think so either.

MR. PARKS. That is what we were hoping to do at one point, but found it was not possible. It would take special legislation, and actually that is left up to the legislature in the end who has said they are not interested in passing such legislation if it came before them.

COMMISSIONER RANKIN. Thank you, Mr. Parks.

CHAIRMAN FLEMMING. Commissioner Freeman?

COMMISSIONER FREEMAN. Mr. Parks, I am recalling that you appeared before this Commission almost 9 years ago, and I was one of the Commissioners who participated in that hearing. As I listen to you, I got the impression that not much has changed.

I'm concerned about something that I will call "infrastructure," the individual attitudes and the climate that prevails, because we've talked about 300 police and $6 million for police and the need for $7 million, and I am concerned as to what is being done to change the climate that requires police in the school. Will you indicate the resources that could be available, either through the city or from the State to help the city—

MR. PARKS. Well, number one—

COMMISSIONER FREEMAN. —in this regard?

MR. PARKS. Well, number one, Commissioner Freeman, one of the problems is—well, the judge put in place the community advisory committees. He has put in place the citywide advisory committee. At the moment, they are the bodies, the only bodies that I know, that can play a role in dealing with what happens at the community level. And I think that is rather unfortunate, but that's the fact.

Now, from the standpoint of the Governor and myself I think one of the things that is going on is that at least some of us are beginning now to say that it is a must. Before there were people saying, "I don't really agree or feel that there ought to be forced busing, but you know, we have to have it."

That sort of statement gave—and always people were saying, you know, you have this right and this right to appeal. For the first time there are public officials now saying, "Hey, it's going to have to occur. The judge has mandated it." That the process by which one goes about changing a judge's orders, is through the court system, and unless you know that process, going into the streets and being obstructive is not going to cause a change in the direction that the judge has taken.

Now, some of us are saying that constantly, publicly, for the first time. Since January that has been said, and I think that has been helpful. But from the standpoint of people who have been working directly inside the school building, I don't think that's happened. One of the reasons for that is that the local school authorities, local school boards, at least, have been in opposition and have been in stated opposition to any kind of support of the desegregation plan.

So that being so, it has been very difficult for school authorities to work with the teachers, work with the parents, work with other people to try to overcome some of the difficulties that have occurred, and that probably will occur. So we have an intransigent school committee that is not being supportive, and everybody is trying to work around that body, and that is very difficult to do.

Commissioner Freeman. Do these individuals subscribe to the concept of equal opportunity?

Mr. Parks. I have heard of about two school committeemen who have espoused that theory, but none of the rest.

Commissioner Freeman. Would you give an assessment of how some of the citizens in this community would describe or whether they would believe in equal opportunity?

Mr. Parks. You know, I think if you talk to most of the people in Boston, they'd probably tell you they believe in equal opportunity. I think one of the things, one of the things that, and it certainly takes longer than we have here to go into the sociology of the Boston community, but one of the things that happened in Boston that I think is different than a lot of the places, is that Boston has had such severe community segregation.

Each one of Boston's little enclaves are, in fact, ethnic enclaves, and each one feels that somehow or another it has sole authority over its individual enclave, and that people can enter or leave their enclave only as they so desire it. And therefore, the institutions in their particular enclave are owned by the people in that enclave. And that somehow or another, any intrusion into that enclave must be at the permission of the people in that enclave.

That's been the thesis of Boston, and unfortunately that's what tricked Boston to make it so vicious.

I haven't seen anything that lessens the hostility—or lessens the demand to maintain the strict confines of the enclaves. I haven't seen anything lessen that.

I think that one of the problems we will probably run into in the fall is once people begin to be mandated to move out of those, people feel that by the movement out of those, and somehow in another setting, is going to cause the destruction of that enclave and therefore they will not be able to maintain a kind of quality of life which they deem is so important to them, and it must be done sort of separate from other folk.

I think that's the basis, and, Commissioner Freeman, I don't see an awful lot going on that is making inroads into that kind of attitude.

Commissioner Freeman. Well, in these communities that you referred to in some of those areas we visited, and they did not appear to be upper socioeconomic level, is it possible that some of these people are being—that some of their attitudes are being perpetuated while they exist on something less than is necessary or appropriate?

Mr. Parks. I think that probably low income has something to do with it, but I don't put as much value on low income as I do on their ethnicity in this particular instance, that people regardless of the income, as long as they live in that kind of community, or live in that community and see that that community is their community and nobody else will come in—

Commissioner Freeman. This is another attitude of bigotry and racism?

Mr. Parks. Yes, it is. It's a little more difficult to deal with than what we saw in the South, because you are dealing with people who will espouse the fact that they had no responsibility to what happened to black people in this country, that their folks came over here a generation ago, or they may have come this generation. They have no responsibility to that, that somebody else did that, and they don't want to be blamed for that.

But we do here—and the way they describe it, by and large, if you talk to most of the people, is that, "This is our neighborhood. We like our neighborhood, we want it to stay this way. You like your neighborhood, you want it to stay that way. You stay in yours and we stay in ours."

But at the same time, the same people would interchange socially with each other. It's a very weird, you know, paradoxical kind of world, but it all ends up the same place, obviously, because we saw it.

You know, one of the interesting things about busing, people said they were opposed to busing, and that they were opposed to forced busing. In some cities where they were opposed to forced busing, there were buses that were destroyed. You could take buses into any of these communities unescorted, if they were empty. The only time you had to put an escort on the buses was when the youngsters got on it. So I would suggest that the issue was not busing, but who was in the bus.

Commissioner Freeman. Thank you.

Chairman Flemming. Commissioner Saltzman.

Commissioner Saltzman. Mr. Parks, were there aspects of the desegregation effort in Phase I that could be evaluated as positive and successful?

Mr. Parks. You know, the only thing—let me just say, there are several areas that can be. Because what we hear, by and large, are at least two high schools and sometimes three, as an example of what happened in Boston. I think the thing to do that is positive—there are some positive aspects.

It is interesting. You go to a school like the Martin Luther King Middle School, that now used to be a predominantly or 99 percent black, which is not a predominantly white school, where white youngsters are being bused in every day, who come to school every day.

And for the first time, for instance—let me tell you some of the things that happened. For the first time the principal says they have been talking about painting and fixing up the building. Once the white youngsters started to come, the building immediately got fixed up, you know, painted, the floors were polished. I couldn't believe it when I went inside the building. She's gotten new textbooks for the first time in years, and all the new supplies have come in.

I've talked to a science teacher in another one of the schools in the black community that was being integrated. He said they've been trying to get a microscope for their science course for about 10 years. Now they've got 25 microscopes for the first time.

I talked to some parents that were standing down at the Bayside Mall, and asked them, "Why do you send your children into South Boston High School every day?" They said, "For the first time my children have homework, and the first time my kid came home with new textbooks. We've never seen that before." So there are things going on such as this, that are going on every day.

I would suggest to you that the majority of the youngsters who are being integrated under Phase I are having a successful experience. It is just in two or three cases that get publicized where we're having problems. And I think that has to be kept in mind.

Commissioner Saltzman. In effect, you are saying that the quality of education in many cases was advanced by the desegregation effort.

Mr. Parks. That's what I'm saying.

Commissioner Saltzman. Thank you. One further question: You've indicated that the black community, by and large, was essentially cooperative with the desegregation order.

Mr. Parks. Yes.

Commissioner Saltzman. And our earlier investigation tends to confirm that. However, we've also noted that there were more black students arrested and more black students suspended than whites. How would you account for this?

Mr. Parks. Well, there are several things going on. If you think about—number one, let's take South Boston High School, for instance. One of the problems in South Boston was that when there was a fray inside the schools, the white youngsters would leave and hit the streets. They could go out the door and go outside.

The black youngsters knew that they couldn't do that, because if they went out onto the street, they may well be assaulted by the people outside. So it was the kind of situation where they had to hold the ground, so to speak, because—and we talked to the youngsters going in and tried to dissuade them many times, but they went and they kept their numbers up so that they could be mutually protective of one another.

Then I'll tell you another thing, because one of the things we picked up through our people who work the streets. and they told us that the kids were being had. They said many of the white youngsters were being trained to move the black community kids. They were trained what to say to the black kids to cause the black kids to retaliate.

So they would come down the hall and say things. I have had the experience, myself, of walking to a school and walking past some kids who were looking straight ahead and call me a dirty nigger, and never changed their expression. My people told us that those kids were being trained to do that, because they knew that black youngsters would react to certain kinds of phrases, so they were doing that.

The black kid, if he hit first, therefore he was in trouble. And that was going on, in a lot of cases we had people in the streets who gave us the information and we knew when it was going to happen; so much so, that I could be at a school prior to the breaking-up because I knew it was going to break up that day.

COMMISSIONER SALTZMAN. But you wouldn't allege any police partiality in this?

MR. PARKS. I don't know, and I can't say. I think to say that would be to go beyond that that I have really observed. I just have never observed it. I've heard many people report to me that they thought the police were in one person's corner as opposed to another because of the number of arrests.

I tend to feel that what I have talked about is probably more significant than what the police did. However, we have known historically that we've had problems with police from various areas. We know that, because police are a product of their communities. So it would not be beyond possibility such would happen, but the only thing I can say is that I didn't observe that personally.

COMMISSIONER SALTZMAN. One final question: What leadership groups in the State, of a voluntary nature, can be mobilized to advance the course of desegregation in Phase II?

MR. PARKS. My feeling is that if we talk about organizations from outside the city of Boston, it's going to be very difficult, because there's another kind of social clash that goes on in Boston: those people who have left the city, and those people who stay.

And the people who left were of one background and persuasion, and those who stayed were of another. There has been a historical clash between those groups of people.

So bringing organizations from outside, you know—private organizations or other kinds of community organizations, except from the standpoint of the State officially, I think it would be very difficult.

What has to happen is that those organizations within the city—and there are many organizations within the city, the citywide coalition, the Freedom House groups of folks—there are just numerous organizations that are working very hard right now to try to make the fall as smooth as possible. Those are the people you have to depend on as well as the people the judge has put in place.

CHAIRMAN FLEMMING. Commissioner Ruiz?

COMMISSIONER RUIZ. Thank you, Mr. Chairman.

To what extent have these busing difficulties involved the Puerto Ricans, the Cubans, and other minority children of this area?

MR. PARKS. Well, I think the thing that most of the Puerto Rican community—well, let's say that all of them got caught up in it, because the process of moving around got all the youngsters in the city involved.

The thing that most of the Puerto Rican community, however, has been saying to us, is they were, and rightfully so, worried about their bilingual education and how that is going to be continued, and how, as they move to these different school buildings, is that going to follow them.

I guess that's the same question as came in with Title I, only the Title I question is probably much more severe, because right now, as you know, we can't take Title I funds and follow the youngster if there's a court order, desegregation order.

And that is—and I think that's also tragic. I think we in the State are able to transfer the bilingual funds much easier than the Government can transfer the desegregation funds or money under Title I for kids who have been deprived educationally.

And I think that if we look at both of those together, because some of the money that ought to be used for the Spanish speaking and other kids is also Title I funds. If they move—and they sorely need this money—if they move, one of the things that they should be able to do is have the money follow them.

Let me just suggest to you that that's an HEW problem. That's an administrative problem at HEW, not a legal one. HEW is going to have to change that if we are going to be able to give the supportive services to the youngsters who move, because the kid moves voluntarily, the money can follow him. If he moves by a court order, the money can't follow him. And I think that's a disgrace.

COMMISSIONER RUIZ. With respect to this bilingualism, from the standpoint of higher education institutions and college cooperation that you've been discussing, has your committee been probing the sensitizing of teachers to the special curriculum problems facing this particular minority within Boston?

MR. PARKS. Yes, we have, and we've been working very closely with representatives of the Spanish-speaking community, particularly, to do this. I guess now we are setting up, again, sort of an ethnic council at the State level that will be working with the institutions to at least try to bring about a sensitivity training for them in terms of the kids.

One of the things, I think, that I have a bias, and I guess my bias is that when you start to talk about training youngsters that cultural courses and so-called "human relations" courses are of very little value, that what has to happen has to happen as a total fabric of the education system. And if it is not a total—part of the total fabric of the educational system, it is doomed to failure.

The failure is very dangerous, because when people pour money into those programs and they are not successful, then they blame the victim again for not being able to absorb what they are giving him.

And the thing we have to constantly watch is to set up the institution so that it can be the best climate for the learning process. In that sense, our bilingual program, and changing textbooks and changing the language of things so that includes other folk, is the most important direction I think we can go in.

COMMISSIONER RUIZ. Well, other than your bias, has their been much hostility in the planning of integration in school curriculums insofar as the Puerto Ricans, the Cubans, and other non-English-speaking ethnic segments of our Boston area?

MR. PARKS. I haven't heard an awful lot. We haven't experienced a lot, because the biggest experience we've had, even to the signs, you know, the graffiti on the wall does not include Spanish speaking, it only includes blacks. As you go around the city, you see the graffiti in those areas where we have had our most trouble.

COMMISSIONER RUIZ. In other words, it is your opinion that this is only a black and white problem?

MR. PARKS. No, I wouldn't say that. Let me just say this, that the nub of the issue, that the tripping point of the issue, the focal point of the issue is a black-white issue. That caught up in that are browns and Spanish speaking, or whatever else you want to call the other folk who are also being discriminated against.

But the fact that they are able to do this with black youngsters gives them the room to do it with other youngsters. And I think one feeds on the other, and when one is in trouble, all are in trouble.

COMMISSIONER RUIZ. Well, within your committee that is working together with the colleges and universities, are there any Spanish-speaking or other ethnic minority people on the committee that may have a different bias than you do?

MR. PARKS. I don't know, but on the ethnic council that we are setting up there are Spanish-speaking people. In most of the commissions we set up, there are. But university presidents, there aren't. There are no Spanish-speaking university presidents that I know of.

Commissioner Ruiz. Do you intend to do anything with respect to your committee that's working directly with the colleges with respect to sensitizing teachers? And if you are doing that, then what in particular are you doing?

Mr. Parks. Well, as I say, one of the things we are talking to people about, number one is, again, that throughout the fabric of the educational process, we must include these various ethnic groups, that teachers must understand and be talked to about and be trained about and trained out of their biases.

And that other kinds of people have to be trained also in addition to the teacher, as we have constantly known them, to work inside the classroom. Because I don't trust any one teacher in the classroom with children, I don't care what they look like, because unfortunately, too many times we adults—and I have taught for a long time—we adults have personality clashes with youngsters. And when we have a personality clash with a particular youngster, we may do irreparable harm to that youngster and we need other people who are adults in the classroom, and we need to begin to train these people, formally train these people.

And I think that, coupled together with what we formally train these people, we may have a shot at overcóming some of the hostility towards the group that we both speak up.

Commissioner Ruiz. Don't you think it would be valuable to place on your committee some person or persons that may have expertise on this matter?

Chairman Flemming. Commissioner Ruiz, if I can interrupt, I think we ought to make clear what committee you are referring to at this particular point. Maybe Secretary Parks can help us clarify that, because I don't think the record is clear on that at the moment.

Mr. Parks. What we have are several groups. We have a group of presidents who are meeting. We have a group of private presidents and a group of public presidents.

Commissioner Ruiz. Who are they meeting with, what committee?

Mr. Parks. They are not meeting with a committee. They are meeting with me as the secretary.

Chairman Flemming. They are meeting with Mr. Parks as secretary of education. He doesn't have a committee as such. He's meeting with these groups as secretary of education.

Commissioner Ruiz. Very well. And you are keeping this subject matter I have referred to in mind in your particular field.

Mr. Parks. Yes, sir.

Commissioner Ruiz. Thank you very much.

Chairman Flemming. Secretary Parks, we deeply appreciate your coming here this morning as a representative of the Governor, as a representative of the State government, as a result of the experiences that you had in Phase I and as a result of the key role that you will play as a leader from the State government level in connection with Phase II.

You have been in a position to provide us with some very helpful insights. We hope that you will express to the Governor our appreciation for his asking you to come and to represent him, and to represent the State government.

Thank you very much.

Mr. Parks. Thank you.

Chairman Flemming. I now recognize Mr. Julius Bernstein, who is Chairman of the Massachusetts State Advisory Committee.

It is my understanding that Mr. Bernstein is going to extend some greetings on behalf of the State Advisory Committee, but as is the case with all persons participating in the hearing, I will ask Mr. Bernstein if he will raise his right hand.

[Whereupon, Julius Bernstein, Chairman, Massachusetts State Advisory Committee, was sworn by Chairman Flemming.]

Chairman Flemming. Thank you very much.

I think I should make it clear that the Massachusetts State Advisory Committee to which I referred is an Advisory Committee to the U.S. Commission on Civil Rights. The Commission on Civil Rights has such an Advisory Committee in every State, and we are certainly very happy at this time to recognize Mr. Bernstein, who is Chairman of the Committee in Massachusetts.

STATEMENT OF JULIUS BERNSTEIN, CHAIRMAN, MASSACHUSETTS STATE ADVISORY COMMITTEE

Mr. Bernstein. Thank you, Mr. Chairman, and ladies and gentlemen of the Commission.

For the record, my name is Julius Bernstein and I am the Chairman of the Massachusetts Advisory Committee.

It is my distinct pleasure to welcome the members of the Commission to Boston.

Despite the unfavorable publicity which our town has received recently, despite the unmistakable evidences of raw racism that have been manifested, and despite the fact that our city has become a symbol and rallying point for those who would reverse the much-belated racial advances and the hopes of the sixties, we who live here, who support racial and religious equality and have spent our lives working for human rights and human dignity, know that there are many good persons here who support racial and religious equality, who are more concerned about what goes on in our schools than about the means of transportation used to get to them.

We do hope that your visit to Boston will herald the start of a new and forceful determination by the Federal Government to deal firmly with those among us who would show disdain for our Constitution, for our courts, and for the law of the land.

At the same time, we hope that your visit will give aid and comfort to those of us who are law abiding and who believe that quality education includes learning to live with and respect races, ethnic groups, and cultures which are different from their own.

The Massachusetts Advisory Committee, as you know, is composed of 32 citizens of this Commonwealth, male and female, young and old, black, Chinese, Puerto Rican, and white, of various socioeconomic levels, from Boston and throughout the State, who worked very hard to get you to come here. We were told it couldn't be done, that other previously scheduled important matters made it impossible, but you are here, and we are grateful for your coming.

As we have indicated to you in several letters and memoranda, the Massachusetts Advisory Committee requested this Commission hearing because we were dismayed and disappointed at the nonrole played by the Federal Government in Boston in the fall of 1974.

And as you also know, during this period many citizens of Boston openly displayed utter contempt for Federal law and the rulings of the United States district court in Boston. On the whole, the Federal Government's response was a nonresponse. The Federal district judge, Arthur Garrity, Jr., stood alone as the one representative of the Federal Government in Boston who insisted upon obedience to Federal law.

For these reasons, and many others, we are glad that you are here. The testimony that you will receive during the week will, I am sure, permit you to thoroughly analyze what went wrong in Boston in the fall of 1974. Important as this may be, however, we hope that your analysis will lead you to recommend and insist upon steps to be taken in the fall of 1975, which will mean that history will not repeat itself.

We request and we strongly urge that the Commission, as a result of these hearings, use its good offices, its power, and its influence to insure that Federal law enforcement agencies are here in the fall of 1975 to forcefully and vigorously protect our school children and prosecute any citizen who interferes with the orders of Judge Garrity's court. Let there be no room for doubt that those who provoke this order or disregard the court's ruling will have to pay the price.

We know that there are many citizens in this country, in this city, who are opposed to the use of busing to achieve desegregation. We respect their right to differ with us on this issue, and we freely acknowledge their right to use any lawful means to oppose the busing of school children and to work to change the law if they don't like it.

But their protest and their opposition must stay within the confines of the law. Peaceful protest and the right to petition the government are important parts of the American tradition, but this does not give anyone license to commit violence, to stone school buses, and to attack children in the pursuit of an education.

In closing, Mr. Chairman, and members of the Commission, let me say again that we are glad to have you here in Boston. We have tried to be of assistance to Paul Alexander and the fine staff which has been working here. And as you know, we will continue to work on the problems of school desegregation long after you have left our city.

We ask that you continue to support the Massachusetts Advisory Committee and to give us the resources which we need in this continuing struggle. As a first step in this direction, we do request that you order a hearing team staff back to Boston for the opening of school, to serve as official Federal monitors of the Federal Government's action.

Mr. Chairman and members of the U.S. Commission on Civil Rights, we, the members of the Massachusetts Advisory Committee, are available to you this week and the weeks ahead to assist you in any way possible. If we can be helpful to you, please call on us.

Thank you very much.

Chairman Flemming. Thank you very much. I know that you will express to your associates on the Advisory Committee our deep appreciation for the assistance that you have given us up to this particular point, and I know that that will continue.

Thank you very much.

At this time, we will proceed to the first major item on the agenda for this hearing, which deals with planning and implementation of Phase I.

Just before calling our first witnesses, I will ask Mr. William T. White, Jr., who is Director of the Office of National Civil Rights Issues on the staff of the Commission, to summarize the staff report which constitutes the basis for listening to the testimony that will be offered today and also going into Wednesday on this particular matter.

Mr. White.

[Pause.]

All right. General Counsel tells me that in view of the fact that you are submitting testimony for the record, that I should also ask you to take the oath.

[Whereupon, William T. White, Jr., Director, Office of National Civil Rights Issues, was sworn by Chairman Flemming.]

TESTIMONY OF WILLIAM T. WHITE, JR., DIRECTOR, OFFICE OF NATIONAL CIVIL RIGHTS ISSUES

Chairman Flemming. Thank you. You may proceed.

Mr. Glick. Mr. Chairman, for the record, I would like to ask him if he has recently participated in and supervised others in preparing a report called *School Desegregation in Boston?*

Mr. White. Yes, I have.

Mr. Glick. And is this the report, Mr. White, which I have just shown to you?

Mr. White. Yes, it is.

Mr. Glick. Mr. Chairman, I would like permission to introduce this report into the record as exhibit no. 3.

Chairman Flemming. Without objection, it will be done.

[Whereupon, the document referred to was marked as exhibit no. 3 and received in evidence.]

Mr. White. Thank you, Mr. Chairman.

Boston resembles other large cities in terms of its declining total population, of growing minority community, its racially separate neighborhoods and schools—most blacks reside in Roxbury and parts of Dorchester—and its large, growing, and more affluent suburbs.

On the other hand, Boston differs in comparison to other large cities in terms of its large, foreign-born and ethnic population, predominantly Irish and Italian, but including a growing Spanish-speaking minority; its moderate-sized black community, approximately 17 percent; its physical compactness and high population density; its relatively low median income, and its low rate of home ownership.

The city of Boston has experienced strong migration of white families to the suburbs since 1950, long before school desegregation became an issue. This pattern is true even for sections of the city that have never had any significant influx of black residents.

Boston has a large parochial and private school enrollment, about 35,000, as well as a large public enrollment, 93,000. The public schools, in addition to their traditional patterns of racial segregation, feature a low pupil-staff ratio, high dropout rates, low reading test achievement scores, and a low percentage of black teachers and administrators in comparison to the percentages of black enrollment and black residents.

The public schools have not operated as a pure neighborhood school system. About one third of public school pupils were bused in the early 1970s for a variety of purposes unrelated to school desegregation.

Responsibility for educational policy in Boston is vested in the Boston School Committee. The committee has virtually total control over all school matters and has frequently involved itself in administrative operations.

Efforts to abolish the committee and improve the efficiency of the Boston School Department which administers committee policy have failed.

The State board of education has ultimate responsibility for local school committee compliance with all State laws concerning public education. The State board can refer cases of noncompliance to the State attorney general, and can also withhold Federal and State funds from local school committees.

Many organizations involved in education in Boston include the Home and School Association, Boston's equivalent of the PTA, and the biracial Citywide Education Coalition. A leading antibusing organization is Restore Our Alienated Rights, ROAR; and the leading prodesegregation is the National Association for the Advancement of Colored People, the NAACP. Other community groups several years ago organized the METCO and Operation Exodus programs which provide for the voluntary busing of black pupils to predominantly white city and suburban schools.

The history of school desegregation in Boston resembles that of other cities in terms of the long period of time, 10 years, that elapsed between the first strong pressures for desegregation and the implementation of a comprehensive desegregation plan: a record of opposition, resistance, and delay in desegregation by educational officials, a legal defense based on the *de facto* or evolutionary segregation argument, and ultimate rejection of that defense by the courts in light of the evidence of deliberate or *de jure* segregatory policies.

Boston is unique, however, in that its school committee was initially charged with responding to State, not Federal, desegregation law. The Federal court suit, *Morgan* v. *Hennigan*, which in June 1974 decided the case, was filed only after the State board of education and the Massachusetts Commission Against Discrimination had failed to compel committee compliance with the State's Racial Imbalance Act of 1965.

The Federal district court ordered the committee to implement in September 1974 a limited desegregation plan prepared for the State board as Phase I of a total desegregation effort. And that plan dealt only with correcting racial imbalance in schools with a nonwhite enrollment of 50 percent or more.

CHAIRMAN FLEMMING. Thank you very much, Mr. White.

Counsel will now call the next witnesses.

MR. GLICK. Mr. Chairman, the next witnesses are the former Deputy Mayor Kiley, Peter Meade, and Clarence Jones, and I would ask Mr. Alexander to proceed with the questioning of these witnesses.

CHAIRMAN FLEMMING. All right.

You will remain standing and raise your right hands.

[Whereupon, Robert Kiley, Peter Meade, and Clarence Jones were sworn by Chairman Flemming.]

TESTIMONY OF ROBERT KILEY, FORMER DEPUTY MAYOR, BOSTON; PETER MEADE, OFFICE OF PUBLIC SERVICES, LITTLE CITY HALLS; CLARENCE JONES, OFFICE OF HUMAN RIGHTS

CHAIRMAN FLEMMING. Thank you.

Mr. Alexander will proceed with the questioning at this time.

MR. ALEXANDER. Would each of you state your name and position for the record, starting with Mr. Meade?

MR. MEADE. I am Peter G. Meade, director of the mayor's office of public service.

MR. ALEXANDER. Mr. Kiley?

MR. KILEY. My name is Robert Kiley, and I am chairman and chief executive officer of the MBTA, deputy mayor of the city of Boston.

MR. ALEXANDER. Mr. Jones.

MR. JONES. Clarence J. Jones. Administrator of the mayor's office of human rights.

Mr. Alexander. Would counsel identify himself for the record?

Mr. Maloney. My name is Kevin Maloney, assistant corporation counsel for the city of Boston.

Mr. Alexander. And who are you representing?

Mr. Maloney. Mr. Jones and Meade.

Mr. Alexander. Mr. Kiley, we'll start with you.

Could you generally describe for us what your responsibilities were, in a very brief sense, as deputy mayor?

Mr. Kiley. In general as deputy mayor?

Mr. Alexander. Yes.

Mr. Kiley. I was actually deputy mayor—formally charged with the responsibility of overseeing the city planning and the provision of neighborhood services.

Mr. Alexander. How did this function relate to school desegregation starting last spring?

Mr. Kiley. Among those services which were in my jurisdiction were police services and services provided generally in the criminal justice system in the city of Boston, so that public safety fell within my domain.

Mr. Alexander. When did your office begin planning for Phase I implementation?

Mr. Kiley. I would say that formal planning in the sense of meetings that were dealing with implementation began in the February–March period of 1974, although the issue—the question of school desegregation—was being followed for years before that.

Mr. Alexander. Were any contingency plans created on the basis of the State court order in December of that year?

Mr. Kiley. We had to assume for planning purposes, from November–December of 1973, that the State plan would one day become a reality. It was the only plan then in existence, and as far as any kind of plan was concerned, that was the reality we were dealing with.

Mr. Alexander. In fact, what exactly did you do in the spring of that year? What meetings did you hold, what persons were brought together for planning purposes?

Mr. Kiley. It was in the February–March period that, among other things, we determined that since time was short, that we might benefit from the experiences of others who had been through the process of desegregation, and as a consequence, we contacted a division of the American Arbitration Association which assisted us in putting together a day-long seminar in March involving representatives in such cities as Seattle, Pontiac, Rochester.

We had a tight agenda. Included in that meeting were people from all city agencies who would one day have some responsibility in terms of public safety.

Mr. Alexander. Could you delineate those city agencies?

Mr. Kiley. The agencies included the mayor's office, and in fact the mayor himself attended part of that meeting. It included the office of human rights, the youth activities commission, the office of public service, the police department. I don't recall now offhand whether the fire department was present at that meeting. But in effect, those agencies which had street responsibility in the fall.

Mr. Alexander. Were persons from the school department or school committee invited to those meetings? In the early stages.

Mr. Kiley. People from the school department and the school committee were not involved in that meeting, and contact with the school department really did not commence until later that spring.

Mr. Alexander. Were there any central themes brought out from your meeting with administrators from other cities that had undergone desegregation?

Mr. Kiley. Yes, I think that the issues flagged at that session not only were very helpful in the planning process, but on reflection turned out to be very legitimate issues.

In that session I think it's fair to say that our notion of organizing in the neighborhoods, of trying to decentralize the planning process through involving representatives of city agencies in the neighborhoods, came to light in that session. That was something that was emphasized by all the representatives in that session.

The importance of the media in terms of presenting full and accurate information was stressed; the need to have contact with the media at an early stage and to maintain contact and to provide as much access to the media to both the planning process and the implementation process, was emphasized very strongly. There was a good deal of discussion about the problem of getting out accurate information to the public on events, particularly unexpected events; a good deal of discussion about rumor control and the need for a sophisticated information provision mechanism.

There was also a good deal of emphasis on the need for advanced planning in the area of transportation. And finally, there was discussion of means of involving citizens, particularly parents and students, in the process.

Mr. Alexander. Based on those recommendations, what was the specific plan put together in the city?

Mr. Kiley. In the spring period, a task force of city officials was assembled from the lead agencies which I mentioned earlier, and as a first thrust, we began the process of trying to put together 12 neighborhood teams of representatives from those agencies.

Each team would, of course, deal with the peculiar characteristics of that neighborhood, but by and large they were looking into such questions as getting out accurate information to the people in that neighborhood about their own school situations; dealing with the fine tuning of transportation planning; dealing with the question of the deployment of uniform personnel, fire and police; trying to take into account getting close to the physical situations in schools, looking at issues like fire alarm systems, the adequacy of security in and around buildings—that is, physical security—looking at the general condition of school buildings.

There was an effort in the latter part of the summer to generally "dress up" a number of schools, just to try to improve the environment in which students would find themselves.

Mr. Alexander. You have referred to law enforcement, fire department, police department. Were any policy recommendations made from the meetings that you had previously about low police profile versus heavy police profile, based on the other cities' experiences?

Mr. Kiley. I don't know that decisions that were made about the actual deployment, the manner of police deployment that were heavily conditioned by the experience of other cities.

As the summer wore on and as we began to—we tried to identify schools, particularly high schools and middle schools, that we thought would present some difficulty. And the concentration of planning in the law enforcement area was on those schools. My recollection that we may have identified as many as 12 or 13 schools that we felt might present some difficulty.

In general, our feeling was that police personnel should be deployed in the area, but that they ought not to be particularly visible, because the experience of the last 10 years in complicated urban situations suggests that there are occasions when police can be—the mere presence of police can be provocative. It simply adds an air of excitement and drama that one likes to avoid if there is no occasion to have them present.

Mr. Alexander. At any point in this process centrally, did the school department become involved with you in the planning that then went on through the 12 neighborhood teams? I gather they went through the "neighborhood city halls."

Mr. Kiley. Yes, there was contact with the school department, with the superintendent's office, in April–May. And again, from the city administration side, we were at least on a contingency basis, planning on the basis of the State plan.

And I think it's fair to say that all people who had administrative responsibilities, whether from a city administration or the school department, had to assume for planning purposes that the State plan would be with us.

There may have been some among them who hoped that the State plan wouldn't be with us or that a modified version of it would be what we were working with, but for planning purposes we were working on the basis of the State plan.

So all conversations that took place from April–May onward with the school department took place on the basis of the State plan.

Mr. Alexander. Now, for clarification, this was the State plan that was ordered in December to be implemented by the supreme court?

Mr. Kiley. By the supreme judicial court, right.

Mr. Alexander. By April 15?

Mr. Kiley. Yes.

Mr. Alexander. Students' assignments were to be out by April 15.

Mr. Kiley. Yes. After that order came down, formal contact began with the school department.

Mr. Alexander. Did the individual neighborhood teams include local school superintendents, headmasters, and so on?

Mr. Kiley. In some instances, I would say that probably half of the 12 teams, that is roughly 5, 6, or 7 teams, had the full participation of school department personnel.

As the superintendent would tell you, one problem that he had during the summer is that school department personnel are not obliged to be present, that is, they work on 9-month contracts and therefore, in effect, those personnel who were involved were working, I guess you might say, on a voluntary basis.

Mr. Alexander. Were any of the school department personnel involved from December on, since the school year did not end until June?

Mr. Kiley. From December of '73?

Mr. Alexander. Yes, when the court order came down.

Mr. Kiley. Well, as I say, there was contact between the city administration and the school department in the spring, and I am sure that there were people in the educational planning center and elsewhere who were doing their own planning, but there was not active contact between other city agencies and the school department before April.

Mr. Alexander. When were the neighborhood teams operational?

Mr. Kiley. The neighborhood teams became operational in late May, June of 1974.

Mr. Alexander. And who bore the coordination responsibility for each neighborhood team?

Mr. Kiley. There may have been variations neighborhood by neighborhood, but essentially, the convenor, I guess you might say, of initial meetings was the "little city hall" manager in the neighborhood, and in fact the citywide coordinator for the neighborhood team effort was a person named William Edgerton, who was then deputy director of the office of public service.

Mr. Alexander. You mentioned earlier the role that the media could play in other cities. What steps were taken out of the mayor's office to coordinate or suggest such a role?

Mr. Kiley. We really took—I suppose—I think, I think it is fair to say we got on two avenues. Cne avenue was to try to prepare ourselves in terms of putting together resources and developing know-how in the provision of our own information. That is, we tried to see to it that our own public information people and people dealing with the media were very actively involved in the planning process at all points—they were fully immersed in it, familiar with it—and they, themselves, developed their own plan for providing public information.

For instance, contact was made with advertising and public relations agencies in the spring, and those ad agencies made available on a voluntary basis individuals who worked with some of the neighborhood teams. So that in many neighborhoods, informational packages and programs were put together, designed to deal with the problems that people in those neighborhoods were going to deal with.

So that was avenue number one. Other measures were taken to try to provide public information as well. We established a news center in what became our information center as school opened, and we tried to maintain almost real-time contact with the press as school opened.

The other avenue we got on was to make contact with the media in the greater Boston area, and really, we didn't have to take too much initiative in those terms, because the media themselves were quite sensitive to the opening of school. There is an organization called the Boston Community Media Council, BCMC, which includes representatives of all the media, and they began meeting probably at about the same time that we did. We had contact with that organization periodically over the summer, and basically responding to their ideas and sharing with them our own thoughts about problems, identifying for them schools where we thought there would be difficulty. And there were general discussions with them throughout the summer about coverage.

Mr. Alexander. Were any of the nonpublic agencies in the community brought into the little city halls network?

Mr. Kiley. Shortly after the neighborhood teams were assembled, there were efforts with varying success in all neighborhoods to get citizens involved, everyone from political leadership to heads of voluntary agencies, through parents and concerned citizens. In some neighborhoods there were successes, people got vigorously involved; in other neighborhoods there was a lack of success. For instance, South Boston.

But with the short time available after the SJC [supreme judicial court] final order, and after Judge Garrity's order at the end of June, my own feeling is that in most neighborhoods we were successful in getting people involved, although with greater lead time there might have been greater success.

Mr. Alexander. Mr. Jones, could you briefly describe what your responsibilities are?

Mr. Jones. I think mainly, in looking at the size of my office, what we did was try to provide staff for some of the programs or some of the problems that may have been prevalent during this period. We assigned staff at the information center. We had a hot line where students could call and get information about what was going on, and the school problems. Rather than talking about assignments, we talked about the problems that students may have individually.

Mr. Alexander. You mentioned the size of your staff. What is that?

Mr. Jones. Well, it's about 29 people. Considering that, we weren't able to assign a total office to just one thing.

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Mr. Alexander. What do these persons normally do other than operate in school desegregation?

Mr. Jones. Well, we have an investigation staff that handles segregation problems or discrimination problems within the city structure. We have some five people assigned to that.

We have staff that's assigned to taking just general complaints from the public that comes via telephone every day. We have people that were assigned to dealing with statistical efforts in behalf of affirmative action.

Then we have affirmative action people that deal with the problems that just generally go on in affirmative action, so that not all the staff could be assigned to the school situation.

Mr. Alexander. In terms of the information service that you have described, was there a consistent theme that you had determined to convey when persons raised questions about the desegregation order?

Mr. Jones. No, I don't think there was a consistent theme, but I think what we tried to do was alleviate some of the fears that students had. I think for the most part, a lot of students felt that all the problems were being handled by the adult community and that they had very little to say in it. So what we were trying to do was to be sure that they had someone they could turn to in order to get the kinds of information they had. I think their problems were of a different nature in a lot of cases, and we just tried to answer those kinds of questions.

Mr. Alexander. Mr. Kiley, in terms of the information service provided out of the city hall operation, was there a consistent theme or a determined theme as it related to the desegregation order? For example, did you disseminate factual information as to what the decision contained, either the State court decision of December, or the Federal district court decision of June?

Mr. Kiley. The city adminstration did not provide, as I recall—I could be corrected on this—did not provide, for instance, an information kit on the SJC decision. I do believe, however, that the State office of education disseminated such information, and that it was available throughout the city.

As I say, we felt that the information obligation was a two-fold one. We did try to insure that representatives of the media and voluntary agencies had full access not only to the elements of the State plan, but of steps that were being taken by the city administration to protect the public safety.

Mr. Alexander. Well, some of the questions that perhaps could be anticipated in the spring of 1974 from community persons could have been something to the effect of, "Will this plan actually go into effect; is there a constitutional right to send your child to a neighborhood school?" Those types of questions. Did the city go through and anticipate those and have a standardized response?

Mr. Kiley. The standardized response, without question, was that the law was the law, and our position throughout the year was that as soon as Judge Garrity acts, and there wasn't much doubt about what his decision was going to contain, that would be it. And while the appellate process was still one to be used, that the law was the law, and that it was the obligation of all of us to move forward and to insure that the law was not only—that the Judge's orders were not only implemented, but that the law and all laws pertaining to the order, would be obeyed.

Mr. Alexander. Were there any affirmative information dissemination operations in this area other than responding to questions from people in this area?

Mr. Kiley. You mean were there press conferences and brochures and pamphlets distributed?

Mr. Alexander. Brochures available at city hall, information fact sheets.

Mr. Kiley. As I say, there were brochures and information packages prepared at the neighborhood level. There was not, to my recollection—although the school department may have prepared information during the summer—to my recollection there was no central provision or preparation of brochures, documents, etc. There was, however, considerable activity at the neighborhood levels.

Mr. Alexander. But would that be determined in each individual neighborhood as to what the message to be conveyed or the information packet to be provided would contain?

Mr. Kiley. The neighborhood teams—since we did consciously go the decentralized route, the neighborhood teams would have made those decisions.

Mr. Alexander. What would most of this information pertain to, then, the individual schools, the busing routes, student assignments within each neighborhood?

Mr. Kiley. And the need for peace to prevail and the law to be obeyed.

Mr. Alexander. Mr. Meade, would you describe to us your current responsibilities?

Mr. Meade. As it relates to—

Mr. Alexander. Generally, and then specifically how it relates to—

Mr. Meade. I direct the mayor's office of public service. There are really three functions that I would break it down to: one, the administration of the little city hall program; two, we have a research and planning staff that deals with several city issues, usually inhouse, administrative kinds of things; and thirdly, serving in a role as a staff assistant to the mayor. Specifically as it would relate to this hearing, when Deputy Mayor Kiley left to assume his role at the MBTA, I assumed part of the responsibility that Mr. Kiley had vis-a-vis the integration process in this city.

Mr. Alexander. Now, Mr. Kiley has briefly summarized for us what steps were taken last year. Can you tell us what steps are being taken currently through the mayor's office is relation to the little city hall apparatus?

Mr. Meade. Well, I think there is a significant difference between 1975 efforts and 1974. It is very clear, at least to myself and probably to most people in this city, that we are responding to a Federal court order that the judge has directed the city to implement, and we have an order that the judge clearly sees as his order, his establishment of the CCC, and direction in terms of city agency responsibilities at specific dates fills a vacuum that I feel the Federal Government left us with last year.

Chairman Flemming. Let the record show what agency referred to is when you say "CCC."

Mr. Alexander. Citywide Coordinating Council under the Phase II order.

Okay, go ahead.

Mr. Meade. Generally, in terms of the efforts that have begun, the city has three clear responsibilities vis-a-vis desegregation: one is in terms of public safety. There have been several meetings, as Secretary Parks outlined, between the command staff and the Boston police, and State official Secretary Barry.

Those meetings have been going on for several weeks now in terms of Phase II operations. They, at this time, lack specific information in terms of bus routes and pupil assignments, and I think those meetings will move from general policy discussions to very specific areas as soon as that information is available.

Secondly, the city has a responsibility in terms of building. The public facilities department is responsible to the public facilities commission and the mayor of the city. The commission and its director have been working very closely in terms of what buildings need to be in certain kinds of conditions for the fall.

Thirdly, in terms of specific responsibilities, the area of funding, the city has a responsibility, as you know well, in terms of responding to the judge's orders to provide financing for several of the orders that the judge has directed.

There is a fourth area generally, though, that is not specific to the court order or the area in which the city participates in adjudication of this case. And that is in terms of both public information as well as community, public information in the sense of communicating with the citizens in the city, and coordinating the activities of various departments and agencies that are involved.

Mr. Alexander. Will the little city hall apparatus be utilized this year for law enforcement planning, for pulling together community organization and so forth?

Mr. Meade. Without question, it will. Its specific role as it relates to the—

Mr. Alexander. As of this time, has it been so used?

Mr. Meade. We have had preliminary discussions. What we are waiting for now is to find out clearly what role the CCC and the neighborhood committees below that choose to play. We don't want to set up an apparatus that would be competing with the judge's order.

But in terms of planning and understanding the order and being able to disseminate information on the order, in terms of cooperating with school officials, all those steps have been taken already.

Mr. Alexander. Pursuant to the question, that there were—directing at Mr. Kiley, did you in this year in your function, disseminate information pertaining to the case or facts of the order, the status of the legal rights that have been adjudicated, the appellate process that has been followed, and the status of this particular lawsuit in terms of finality?

Mr. Meade. We haven't made a final decision on that.

Mr. Alexander. Do you think it's a good idea in terms of those kinds of specifics?

Mr. Meade. What is absolutely necessary, I think, as it was last year, is to make it clear to people in the city that we are responding to a court order that directs us to do very specific things this fall, and it's very important, I think, in terms of both our role and the understanding of citizens to understand that process.

Mr. Alexander. Mr. Kiley, from operating the process under the Phase I order, are there—in brief terms—any specific lessons learned that if you were to operate that process again, that you would do differently this time around?

Mr. Kiley. There are a number of lessons, I think. The first lesson is one that perhaps wasn't learned. That is, it would have been—and again, the time constraints that were faced by the Federal district court were ones that the judge apparently had only limited control over. But we've only now just come to a point where there is something resembling complete clarity as to what the process will be for the fall of 1975, which doesn't give us much advance time over where we were in 1974.

Mr. Alexander. Now, when we are speaking of the time, the time that we are referring to is the specific time for implementing bus routes, law enforcement procedures.

Mr. Kiley. That's right.

Mr. Alexander. But it's not time for information dissemination or public education; that is not that short a period of time, I take it.

Mr. Kiley. Well yes, if you're talking about—you mentioned a number of specifics, and the longer the judicial process wears on, the longer one has to wait to find out what the details of judicial orders are, the shorter the time to disseminate them to the public.

So I would say that is a problem.

Mr. Alexander. Other specific lessons?

Mr. Kiley. Other specific lessons, as you are all aware, there is more than one jurisdiction at work here, and the city administration has a limited jurisdiction when it comes to the schools themselves.

The school committee is an autonomous jurisdiction enjoying substantial latitude and domain. It is always difficult in a potentially volatile situation when you have two autonomous, even competitive, organizations trying to act as one.

I was pleased that last year, given the time constraints and the politicization of the process and the emotional atmosphere, that all city agencies, including the school department, were by and large able to act cooperatively.

But I would say that there are a number of sublessons to be learned. It will be important for the school department to clearly designate somebody who has absolute authority subject to the school superintendent for planning and implementation of the plan. I am not as close to the situation as I was once, but I have a sense that there is perhaps some uncertainty about that.

A second lesson that I think needs to be learned is that when it comes to coordinating law enforcement officials or forces who have some influence over the public safety, that it is critical to get the Federal Government involved, because if the total process of getting force into a situation is to be utilized, and we all hope that it won't, then the Federal Government may end up playing a very important role.

My own feeling is that the law, as nearly as I can understand it last year—and I don't think I ever did fully understand it, and I suspect there are very few people in the country who do—ought to be clarified, but it's probably too much to hope for that.

Secondly, I would hope that the judge himself would undertake whatever measures he must take to see what kind of support he can bring into the situation early.

Third, I would hope that the Department of Justice and the Department of Defense would have early conversations about whatever contingency planning they ought to be undertaking.

MR. ALEXANDER. In relation to that—

CHAIRMAN FLEMMING. May I suggest to the Counsel that half of the time for this panel having expired, you may have one or two more questions, and then I would like to turn the questioning over to the Commissioners.

MR. ALEXANDER. In relation to that, at what point in time did you hear from or contact the Federal law enforcement officials?

MR. KILEY. Our only significant contact with the Federal establishment other than with the judge was with the community relation service of the Department of Justice, which seems to be a wholly autonomous organization within the Federal Government, perhaps resembling yourself in autonomy.

We had contact beginning in the spring with the community relations service, and that contact continued throughout the opening of school and continues today. I think it's been, by and large, a positive kind of relation.

We sought contact with the local representatives of various agencies during the summer of 1974, and had contact, and did have some meetings in which the question of escalation was discussed, but there seemed to be a good deal of uncertainty on the part of Federal representatives. And perhaps we should have pressed harder and gone to Washington and created a commotion there but, of course, we were assuming that—perhaps in too sanguine a fashion—that day would never come.

The first significant involvement I was aware of by the Federal Government came after—came in mid-October, sometime in October, when five attorneys from the Justice Department arrived in town to look, specifically with the mission of dealing with violations of the Civil Rights Act.

And I believe as a consequence of their involvement, two convictions were subsequently obtained. And I do believe that the arrival of those people created a great impact in the city and had a definite effect on the atmosphere, and whenever an arrest was made or even a proceeding undertaken, you could see a visible impact on at least—on the emotional composition of the environment.

MR. ALEXANDER. No further questions at this time, Mr. Chairman.

CHAIRMAN FLEMMING. Thank you very much.

I would like to address one question to Mr. Jones. Do you report directly to the mayor?

MR. JONES. Yes, I do, sir.

CHAIRMAN FLEMMING. Has your office developed a series of recommendations to be considered by the mayor relative to steps that can be taken in connection with Phase II?

MR. JONES. At this point, we haven't, no.

CHAIRMAN FLEMMING. Is your office involved, or are you personally—have you been involved in any discussions relevant to the development of a plan for Phase II?

MR. JONES. Not at this point, no.

CHAIRMAN FLEMMING. Okay.

Mr. Kiley, you referred right at the beginning of your testimony to the utilization of the American Arbitration Association in connection with a training program. What is your evaluation of that experience?

MR. KILEY. Positive.

CHAIRMAN FLEMMING. In other words—

MR. KILEY. Very favorable.

CHAIRMAN FLEMMING. In other words, you would recommend to other cities confronted with similar situations that that course of action be followed?

MR. KILEY. Are you speaking specifically of the National Center for Dispute Settlement?

CHAIRMAN FLEMMING. Yes, that was my understanding.

Is there any point, Mr. Meade, for the utilization of the American Arbitration Association training facilities in connection with preparation for Phase II?

Mr. Meade. We haven't hardened the plans yet, but generally the positive response from last year's use indicates to us that they need to be part of our planning and implementation in the fall.

Chairman Flemming. I'd like to go back to the point that Counsel has raised a number of times, and that is, are there at least tentative plans being developed for the dissemination of information relative to the nature of the court order, and relative to the disposition that has been made of the original order at the appellate level, both the circuit court of appeals and the Supreme Court? And then also—there I am referring to the basic order holding the school committee in violation of the Constitution—and then—or at least tentative plans of taking the Phase II order and breaking it down and developing materials that will make it possible for people to really become acquainted with it.

Mr. Meade. The first point is in terms of the court order and the adjudication through the appellate process. That needs absolutely to be part of any information package that is disseminated in the city, and that is clearly understood by us.

The process is not yet clear depending on the public information committee of the CCC. We have points that we think need to be included, and we will be working closely with that group, I believe.

Secondly, in terms of information packages and specifically relating to education, the school department published a brochure on pupil assignment that in terms of the number of parents who responded I think indicates that it was a document well put together in terms of people understanding what the educational process will be next year in the city.

Chairman Flemming. Could I ask you, are there plans for involving Mr. Jones and his office in the development of the plans that are being worked out for the implementation of Phase II?

Mr. Meade. As they did last year, I am sure that the office of human rights will be playing a key role. Two people from that office presently are assigned to work on this process, and they are involved in the planning very actively at this time.

Mr. Kiley. Mr. Chairman, could I—

Chairman Flemming. Yes.

Mr. Kiley. I have a sense there may be some confusion about the city's role in a formal sense, and that is that our formal planning process can only involve matters relating to safety of buildings and, in a very limited sense, the budget. We are very much dependent on the school administration's planning process commencing, so that there can be active liaison and cooperation which is the only way that we can, in a constructive fashion, involve ourselves in any school function at all. It is at that point that the office of human rights can play its most effective role in terms of dealing directly with students.

Chairman Flemming. Is the city, however, in a position to exercise leadership in this area in terms of making recommendations to the school committee for actions which in the judgment of the city government would help to facilitate the implementation of that Phase II?

Mr. Meade. We have begun discussions with the superintendent elect of the school department. I have had a few meetings with her, the mayor's had one already, and it is clear to me that the new superintendent intends to cooperate and to take suggestions under advisement that would come from the city in terms of the government, or the neighborhood process that I direct.

Chairman Flemming. Mr. Jones, could I ask, do you have on your staff representatives of the Puerto Rican community?

Mr. Jones. Yes, I do, some five people at this point.

Chairman Flemming. Thank you very much.

Commissioner Rankin?

Commissioner Rankin. Mr. Kiley, in your discussion with other cities, to what degree are the problems of Boston different from those of other cities? Are you unique in your problems or do you have the same problems other cities have in this question of education and race?

Mr. Kiley. Mr. Rankin, I could probably take 2 days to respond to that question. I believe the answer, though, is yes and no.

Boston has unusual characteristics, if not unique characteristics, and I believe that Secretary Parks mentioned one of them. There is a strong neighborhood tradition in Boston, and the characteristics of many neighborhoods are dominated by one ethnic group. And where pride in neighborhood ends and xenophobia, jingoism, and racism begins, is oftentimes a very difficult question to determine. But in a city like Boston, an old city, where people are conscious of their traditions and proud of them, I think you do have unusual problems.

Newer cities, which are less neighborhood-conscious and perhaps more transient, I think perhaps don't have the intensity behind some of these problems that Boston might have, and I believe this is a pattern that will unfold in some of the more traditional cities as they face the problem of school desegregation.

So I would say in that one sense, Boston is an unusual city. But there are cities like Philadelphia and New York and even a city like Chicago which share some of those characteristics.

Commissioner Rankin. Do you think cities like Mobile, Alabama, and Charleston, South Carolina, don't have their sections that feel the neighborhood feeling just as much as you do here in Boston?

Mr. Kiley. They may well. I'm not trying to say that Boston and a few other cities are the only ones with neighborhoods.

Commissioner Rankin. You see, I'm a southern member, and I remember 10 years ago how citizens from Boston came down south to Alabama, to tell us what to do and how to do it. I still have a vivid recollection of that.

Mr. Kiley. They're still here.

Commissioner Rankin. They're still here, is that correct, on both sides?

Mr. Kiley. Well, they were probably people from Cambridge going down to South Carolina.

[Laughter.]

Commissioner Rankin. Well, I'm not going to particularize who came down, don't you see, but we had them. And it surprises me, here it is 10 years later, 12 years later, you're having your troubles that we had 10 years ago. What's happening?

Mr. Kiley. Well, I think we are seeing—the problem of race is not a new one, obviously, Mr. Rankin, as you well know.

Commissioner Rankin. It's not; it certainly isn't.

Mr. Kiley. And 100 years ago, blood was spilled all over the place over this issue, and it's still being enacted, and in my opinion, in my judgment, we're a long way from a solution.

I think we're a long way from a solution in our public school system across the country, and I think those of us who have been involved in the implementation of desegregation here in Boston have—the bottom line for us is really to ensure that no lives are lost, and that as many kids as possible are at least technically in the educational process.

But those are not exactly optimistic goals. To be sure, one wants to save lives, but that's not—one doesn't get enthusiastic about that as an objective, but that's really the—those are the objectives we have had in mind here over the last year.

Commissioner Rankin. So 10 years later, you are going through the same problems we had 10 years ago? I don't mean that we have gotten rid of all of our problems down south. I recognize we still have them, too. But we seem to have made a better approach than you have here.

I can't quite understand it.

Mr. Jones. I think part of the problem, if I may, is the fact that whenever people begin to look at the city of Boston, they forgot that there were people here, and they began to look at the physical structure. And they talked about the Harvards and the MITs, etc. And all the time this was here, they never really took a good look at the fact that there were problems, that there were minorities here that were going to school under situations that really didn't exist in their minds, but existed in reality, that these people had to live here.

And I think what has happened, now that it's a law, all of this is coming out, and people are just really beginning to see it, but in the South, I think there was an opportunity for a black, if you will, at this point, to become a principal. Let's just take a simple thing as a principal.

He was able to become a principal because in the South they were willing to do this in order to give the blacks the things they felt they needed and to keep them "in their place." Up north, they weren't ready to give them a damn thing, and I think that's the big difference, and I think people begin to look at the physical structure and say Harvard, Boston University, Boston College, etc., and forget about the real problems that people have, the human problem. And I think that's part of the reason why you are seeing this change begin to take place at this time.

Commissioner Rankin. Thank you. I'd like to go on with this, but my Chairman is pushing me, don't you see.

Did you have any success in rumor control up here? We've never had any success on that, and I wonder if you've had.

Mr. Kiley. There's no way of stopping a rumor from beginning. I think what you have to work against—and it's constantly an endgame proposition, you never really win it—is to stop rumors from spreading. I like to think that among the things that was done reasonably well was the getting out of accurate information and—

Commissioner Rankin. Well now, do you think the people of Boston are willing now to accept accurate information, even though it differs from the rumors they love?

Mr. Kiley. That's a very difficult question to answer. That goes to the root of human nature, and I don't know that I can sort that out.

Commissioner Rankin. While you were in the mayor's office, do you think that the mayor's office today is emphasizing the importance of law observance? You cooperate with the court order, is that correct? Do you accept it willingly or not?

Mr. Kiley. The position of the mayor from the beginning has been that he will cooperate with any court order, that he respects both the Constitution and the law, and will do anything in his power to ensure subscription to all those.

Commissioner Rankin. Thank you.

Chairman Flemming. Mr. Saltzman.

Commissioner Saltzman. Mr. Meade and Mr. Kiley, the effectiveness of neighborhood planning units was checkered, apparently, in their positive impact.

What made the difference, and how does present planning take this difference into account?

Mr. Meade. When Mr. Kiley discussed the neighborhood teams, he indicated that in some areas there was participation by parents. I think that reflected a large sense of either acceptance or rejection of the court order. I would suggest that that participation made a significant difference.

The areas of where people were going to school, and the West Roxbury team, for example, participated in a—with one of the public relations firms that Mr. Kiley talked about. They developed a brochure about English High School, where a great number of students would be going, and there was an opportunity to deal actively with parents. That interface was very important. It began a process that allowed communications to go on and allowed parents to understand what was happening.

In other neighborhoods where for one reason or another parents chose not to participate, the sense of, one, the court order that I discussed with the Chairman, the sense of where children would be going to school and the control of rumors, those processes didn't exist, and it was almost impossible to communicate information at all. And

I think that made a significant difference in the ability of the teams to function.

Commissioner Saltzman. Well, in Phase II, is there a more considered effort to gather together the parents and the cooperation in those neighborhoods where heretofore that cooperation and participation was absent?

Mr. Meade. Well, one of the things—one of the keys that was missing in Phase I in terms of, I suppose, timing or inclination, was a sense that parents need to be actively involved and be able to communicate directly with the court.

The judge's appointment of a coordinating council, I think, is a very important first step in directly involving citizens. And there are citizens on both sides of the busing issue who are members of that council.

And I think that can and will go a long way in terms of communicating to every section of the city about the order.

Commissioner Saltzman. Mr. Kiley, was Boston—South Boston High School identified as one of the possible problem places? You said you did identify several—12 schools, I believe.

Mr. Kiley. Yes.

Commissioner Saltzman. Was this one of the—

Mr. Kiley. Yes.

Commissioner Saltzman. Was any effort made to "dress up" South Boston High School? You mentioned some effort was made to dress up other schools. Was any effort invested in dressing up South Boston High School?

Mr. Kiley. I think you'd be better off—you'd get a more accurate answer if you asked the representatives of the school department that question. I'm personally familiar with two middle schools that were involved in that plan, because I happened to visit both of them and noticed some problems. But the school department did have a crash program throughout the summer designed to deal particularly with potential problem areas, and they would have the answer to that question.

Commissioner Saltzman. Well, in visiting South Boston High School just recently, it seemed to me that it did not get any kind of dressing up for a number of years, and that was a kind of concern.

Mr. Jones, can I ask you, does your office—was there any attempt by your office together with the mayor's office to provide leadership through the media in influencing the climate of opinion for positive efforts, not merely to obey the law, but about the value and significance to our nation of desegregation?

Mr. Jones. Yes, there were two staff members specifically assigned to the mayor's office to deal with that as well as many other problems. They worked very closely with Mr. Kiley and other people in the mayor's office to talk about those kinds of concern.

Commissioner Saltzman. Was there material or statements made affirming the value of desegregation on the national scene or the local scene?

Mr. Jones. Not just by us alone, but with the cooperation of the mayor's office, there were statements made that we were involved in.

Commissioner Saltzman. Apart from just law and order.

Mr. Jones. Yes.

Commissioner Saltzman. Can I also ask you, were any complaints lodged in your office by black students during Phase I?

Mr. Jones. Mainly dealing with suspensions from school, that sort of thing.

Commissioner Saltzman. Well, what happened to those?

Mr. Jones. Well, we had a program where we involved some 40 law students—we were involved in a program where some 40 law students were acting more or less like agents to the schools for these students when there was a suspension, who would talk to the administrators about them.

We also had a very close relationship with the superintendent's office, so that we could deal with those kinds of problems, and they would understand exactly what we were doing.

Commissioner Saltzman. Would you in general evaluate the validity of the suspensions?

Mr. Jones. I think that is what you could say we were doing, and then try to—

Commissioner Saltzman. Well, what I mean is, in general at this point, could you say that the suspensions of black students were warranted or unwarranted?

Mr. Jones. Well, it would be just my opinion at this point, but I think in most cases they were really unwarranted, but there's a lot of history behind that, I think, that describes why they were unwarranted, I think.

Commissioner Saltzman. Mr. Meade, is there any effort in planning at the present time to work with the Federal Government and its agencies? You indicated or I think, with Mr. Kiley, that participation of Federal agencies would be critical. Is there any present communication?

Mr. Meade. The relationship with the CRS continues. There have been attempts by the school department in terms of applying for the Emergency School Assistance Act funding to direct those. The discussions that have begun on the public safety level include plans to talk to people on the Federal level in terms of public safety areas.

I suppose its complaints in terms of a sense that, I think, that officials both in the city and the school department got from the Federal Government last year that "good luck and goodby," that it was our problem, that we had to respond to the court order.

And that sense does not encourage one to go back and think that the Federal Government is in any way going to assist this city as it goes through a desegregation process.

Chairman Flemming. Mr. Ruiz.

Commissioner Ruiz. Taking a cue from Commissioner Rankin's statement that the Chairman had nudged him, I will pass for further questions on this area.

Chairman Flemming. All right, Commissioner Horn.

Commissioner Horn. Mr. Kiley, you commented on the role of the local media and the relationship that had been established with them. I would like to ask you, after the entrance of the national media into coverage of Boston's desegregation, particularly the national television media, what effect did that have on the emotions in Boston, and was it helpful or harmful toward carrying out desegregation? And you don't have 2 days to answer that question.

Mr. Kiley. I think that most people in the city were aware that Boston dominated the top of the news in all three networks for several days.

The essential difference between the national media, particularly television, and local media, I believe, is that a complex situation has to be telescoped into a maximum 90 seconds' presentation over a national network, and you don't sell automobiles by having the desultory aspect of the day's activities.

So my sense is that the national media must go toward the sensational, the easily photographed, the dramatic. And as a consequence, I would say that probably doesn't add up to be balanced coverage, and it probably did have an effect on the emotional climate of the city. Whereas the local media could afford more time, effort, and resources, and I think that reflected itself by any objective comparison between the two.

Commissioner Horn. Was there any attempt by the city government to contact the leadership of the national media and discuss these problems?

Mr. Kiley. Yes. There was contact at the end of the summer with the management of all three networks. The newspeople themselves were here in the city in advance of the opening of school. There were extensive briefing sessions with them, they had access to all of our material. I don't think the problem was their understanding of the events in Boston, and I think their problem was not their sensitivity or awareness of this problem of sensationalism. The problem was one of will.

Commissioner Horn. What do you mean by that?

Mr. Kiley. People would say, "Yes, we're highly sensitive to these matters, and of course we have had all kinds of experience around the country, and we've developed a certain know-how and technique that I think you will appreciate." But I have to say that there were evenings when I looked at the national news coverage that I was not particularly happy with the press. So somewhere between the cup and the lip something spilled. I don't know who was responsible.

Commissioner Horn. One last question.

Besides neighborhood groups, as you know, in any city there are a number of groups that cut across the city: labor unions, veterans groups, sometimes universities and educational groups. What attempt was made by the city government to work with organized labor in their meetings as leadership groups, educational institutions, perhaps veterans groups, and was it to any avail?

Mr. Kiley. There were no efforts to—that I can recall—to work with the labor unions as such. There were efforts to involve university people, not in a systematic fashion, but in terms of drawing on resources which we knew existed in our university complex. Veterans groups, I don't believe there was any contact with the VFW or the American Legion.

Quite frankly, in the short time available to us to plan, we really had to make some decisions about groups and people whom we thought would be immediately responsive to us, and those which might be "reluctant dragons" and would take a little time to deal with. So in an ideal world we would probably have tried to contact those groups, but we weren't dealing in an ideal world then.

Commissioner Horn. For Phase II, is any contact being made, Mr. Meade?

Mr. Meade. To date, no, none has been made with veterans groups, although a preliminary discussion has been held with two unions that has a membership that cuts across the city.

Commissioner Horn. Thank you.

Chairman Flemming. Commissioner Freeman?

Commissioner Freeman. Mr. Kiley, and also Mr. Jones, I believe, is it correct that there has not been any sort of continuing relationship between—say, with Cambridge—"from Cambridge"—Harvard or MIT?

Mr. Kiley. There is no institutional relationship in terms of school desegregation, no formal contact of a regular kind.

Chairman Flemming. Are any of the institutions that Commissioner Freeman identified included in the 20 that are to work with some of the schools under the Phase II court order?

Mr. Kiley. Is there contact? Well, again there's contact—

Chairman Flemming. No, my point is—Commissioner Freeman, I think, identified three institutions, Harvard, MIT, and what was your other one?

Commissioner Freeman. Well, I just mentioned—I was repeating the phrase that he used, "from Cambridge," from the others that have—

Chairman Flemming. My question was in connection with the court order for Phase II. Are any one of those institutions included in the court order as institutions that are to have relationship with specific schools?

Mr. Kiley. Yes.

Chairman Flemming. Which ones?

Mr. Kiley. I only—which three did you mention?

Commissioner Freeman. Well, which ones—I was going to ask you if there had been any past continuing relationships, and the next question was if it is contemplated that there would be—

Mr. Kiley. The mechanism for establishing and sustaining that relationship is really the Citywide Coordinating Council, the so-called CCC, and there already is active contact between—there was originally between the judge and his educational experts with the university leadership, and that is now being continued by the CCC. So there is a very active planning process already under way, and city and the school department would be involved in that process.

Commissioner Freeman. But is it the answer that in the past, these educational institutions have not been directly involved in school or in proposing or assisting in solution of any educational problems of the Boston school system.

Mr. Kiley. Mrs. Freeman, my experience with the great universities of our country and particularly—as well as those in our immediate areas, that they have not exactly thrust themselves into the mainstream of urban difficulty. And so my answer would be that they haven't helped that much there.

There are individuals who do, as they really haven't in general.

Commissioner Freeman. Well, my concern is that there is a great deal of literature which sort of floats or flows out of these universities, and a number of the professors call themselves "educational consultants" and write books saying what should happen in the schools, and the concern would be whether they sort of operate in a vacuum from the mountaintop, without any sense of reality, or maybe since Boston is the real world you could get them involved.

Mr. Kiley. I'd be worried about what might happen if we got too many of them involved all at once, but you are right.

Commissioner Freeman. What are you suggesting, that they really don't know what's happening?

Mr. Kiley. Well, I don't want to make a general comment. We have a certain sense of those who are concerned and committed, and who've got real-world background, and we try to have relationships with them, but in general I think, speaking for myself, I tend to be a little chary about getting the great institutions involved massively, if that's even possible.

Chairman Flemming. Anything further?

Commissioner Freeman. No.

Chairman Flemming. Okay. May I express to the three members of the panel our appreciation for the testimony that you have presented. It certainly helps us in developing our understanding of what happened under Phase I, and also helps us in developing an understanding of the thinking that is going on in connection with Phase II. Thank you very, very much.

Counsel will call the next witness.

Mr. Alexander. William J. Leary.

Chairman Flemming. Mr. Leary, if you will stand and raise you right hand, please.

[Whereupon, William J. Leary, superintendent of schools, was sworn by Chairman Flemming.]

Chairman Flemming. Thank you very much.

Counsel will proceed with questioning.

TESTIMONY OF WILLIAM J. LEARY, SUPERINTENDENT OF SCHOOLS

Mr. Alexander. Would you state your name and your present position for the record, please?

Mr. Leary. William J. Leary, superintendent of Boston Public Schools.

Mr. Alexander. How long have you held that position?

Mr. Leary. Since September 1, 1972.

Mr. Alexander. How long have you been with the Boston School Department prior to this?

Mr. Leary. Since 1956.

Mr. Alexander. Could you briefly give us a brief resume of what roles you have played in the Boston School Department?

Mr. Leary. I was a teacher in the junior high schools from 1956 through '62 in South Boston and Dorchester, and then a teacher in the Boston Technical High School, which is located in Roxbury, from '62 to '67. I became a department chairman of social studies in Dorchester High School from '67 through '68, and became director of the department of curriculum in 1969, and became superintendent in Boston in 1972.

Mr. Alexander. So you have been superintendent of schools during the Phase I desegregation order and several years prior thereto?

Mr. Leary. Yes.

Mr. Alexander. Could you, starting with December of this past year, December 1973, when the State order came down to implement Phase I under the racial imbalance law, tell us what activities were undertaken by your office in relation to implementation?

Mr. Leary. Yes. We, from December of '73, prepared an implementation schedule for the State-ordered racial plan which we continued to utilize when the Federal district court order came down.

Mr. Alexander. When was that implementation—

Mr. Leary. June.

Mr. Alexander. —implementation plan established?

Mr. Leary. We had established some drafts of it as far back as December of '73.

Mr. Alexander. So, from December of '73 on, there was, at least on paper, a plan to implement what in fact became the Phase I order of the Federal district court?

Mr. Leary. Yes, I would say it was more than on paper. It was actually carried out. I was designated by the school committee in January of '74 to be the implementation coordinator as well as the superintendent.

Mr. Alexander. Is that a position you would have wished to have had?

Mr. Leary. It was a position that I felt required a full-time staff person, and I nominated one in January. However, the school committee decided that I should carry out that role.

Mr. Alexander. Whatever specific staff did you have made available to you, or did you acquire for Phase I implementation?

Mr. Leary. Well, we had primarily the staff of the educational planning center, and I added to that as I felt I needed staff, or as the planning center reported it needed additional staff there, and that staff was added as we went along on an as-needed basis.

Mr. Alexander. What type of numbers are we talking about?

Mr. Leary. Oh, in the twenties, the low twenties.

Mr. Alexander. Most of these people would be people with what types of background?

Mr. Leary. Well, some of them—those who were already at the planning center had planning backgrounds, educational planning backgrounds, that is, and then the people we added were specialists in a variety of areas, some of them in kindergarten education, some of them in elementary education, some of them in secondary education, some of them in a variety of other types of curricula and programmatic efforts as well.

Mr. Alexander. Did you have on your staff then or did you add to your staff any persons with specialized expertise in desegregation?

MR. Leary. Well, we had people who had been working with the State on the racial balance plan, so we did have experienced personnel down there, yes.

Mr. Alexander. Did you hire any consultants, for example, who had participated in designing desegregation orders in some of the Southern States, or perhaps some of the Northern States?

Mr. Leary. No, we didn't hire any in that category. However, I did meet specifically with the superintendents from Pontiac, Michigan, and the superintendent from Prince George's County.

Mr. Alexander. When was that?

Mr. Leary. That would be in the spring of '74.

Mr. Alexander. Was that a meeting similar to the one that Deputy Mayor Kiley referred to earlier?

Mr. Leary. I think—no, I think this—these were separate meetings that were set up. They might have been in town for that meeting. I'm not sure of that. But while they were in town, they did communicate with me. We sort of have a nationally informal superintendent's network, so that when you visit a city if the colleague is available, you usually meet with him as a courtesy, anyway.

Mr. Alexander. So, would it be fair to say they were in the city and they met with you, or did you call them and ask—did you call them from Seattle or Prince George's County and ask them to come to Boston?

Mr. Leary. No, they were coming in anyway, and when I was aware of their presence, we communicated.

Mr. Alexander. What were the components of the plan that was designed as of December, 1973, to implement an order that became final in June?

Mr. Leary. Well, I think the basic elements consisted of the first examination of the data and then the student assignments, the staff assignments, orientation of staff, preparation of staff, programmatic considerations, facility considerations, materials and supplies, transportation and safety, efforts at community awareness and community relations, student relations, financial considerations, space considerations. Those were the primary elements of the planning situation.

Mr. Alexander. You mentioned a little earlier that you had been the head of the social studies department at a high school. Is that right?

Mr. Leary. Yes, that's correct.

Mr. Alexander. In your planning for Phase I, was there any notion of examining the curriculum within the social studies or the history department to determine whether or not the students of Boston were being provided with a clear understanding of race relations and how they've developed in this country, and what leads up to a desegregation order?

Mr. Leary. Well, I had been, as I mentioned previously, also director of curriculum in the Boston Public Schools, and we had since 1969 provided and worked on curricula in the city dealing with those particular matters, and in fact with other matters as well, including—

Mr. Alexander. Is there today or was there last year any specific course that deals with the history of race relations in the State of Massachusetts or the city of Boston?

Mr. Leary. Not a specific course as such, but probably as part of social studies. Certainly, I, as a teacher, used to teach it, and I assume that some of my colleagues do. I know they did in some of the other high schools, and I assume they still do.

Mr. Alexander. But as part of the December 1973 plan, there was no specific component designed around that area?

Mr. Leary. No, there was not.

Mr. Alexander. Did you mention law enforcement as one of the areas?

Mr. Leary. One of the areas that had been going on in some of the schools is a program in law as a form of moral education.

Mr. Alexander. I mean law enforcement planning for implementation?

Mr. Leary. No, not specifically for implementation. The programs in law had been going on in the high schools and in the junior high schools as well, as part of the formal curriculum.

Mr. Alexander. Were any specific funds sought for the desegregation process from private foundations, from State agencies? I know you were not allowed to get certain HEW funds at that time, but from the other available sources.

Mr. Leary. No, I don't think so, not to my knowledge. Because of the fact that we were held up by HEW, that would pretty much shut us off in other areas.

Mr. Alexander. Only from certain Federal funds, I would take it.

Mr. Leary. That does not necessarily—it probably makes you what I call a "bad loan risk" in other areas as well.

Mr. Alexander. What is the normal functioning of the Boston School Department; what was it this past year?

Mr. Leary. Are you referring to the specific general school purposes budget?

Mr. Alexander. Yes.

Mr. Leary. Approximately $121 million, plus $5 million for repair of buildings.

Mr. Alexander. In addition to that, there are State monies, are there not?

Mr. Leary. Yes. We do have monies contributed to the school system by the State; that's correct.

Mr. Alexander. How much would that be?

Mr. Leary. Well, I can give you a projection of what it will be—

Mr. Alexander. Fine.

Mr. Leary. —based on the "cherry sheet," as it's called, the State funds for '75–76. Under chapter 70, approximately 56.8 million. For school construction, approximately 30.5 million.

Under chapter 766, approximately 3.4 million.

Under chapter 636, approximately 4.7 million.

Under section 8 dealing with the magnet schools, approximately $300,000.

Under pensions to teachers, approximately 12.9.

Vocational education, approximately 3.9.

Transportation, approximately 3.2.

And for bilingual education, approximately $850,000, which comes to a total of about $115 million.

Mr. Alexander. So we're talking about a grand total of approximately $250 million a year spent for the Boston school system.

Mr. Leary. Partly that, but some of that is reimbursable money for money that is spent out by the city.

I think that the key area is the general school purposes budget for the schools, the $121 million, of which over 90 percent goes for salaries.

Mr. Alexander. Is there or was there a financial need specifically relating to school desegregation?

Mr. Leary. Yes, very definitely I think we needed it. We could have used considerable additional funding for it.

Mr. Alexander. What would you have used that funding for, other than pupil transportation?

Mr. Leary. I think for much more intensive planning at the local school level.

In Boston, the—I have heard this mentioned by Mr. Kiley before me, but I think it's a point well worth repeating. For example, under the contract with the teachers' union, teachers are free from their positions from the last scheduled school day until the day before the opening of classes, which is usually after Labor Day or 2 days after Labor Day in September.

Under our contract with the administrators' union, which is called BASAS, the Boston Association of School Administrators and Supervisors, principals work 2 years—I'm sorry, 2 weeks—after the close of school, and 2 weeks before the opening of school, which means there is a period in the summer that could range anywhere from 4 to 6 weeks where the principals don't have to report.

Then in addition, the directors of specialized departments, such, for example, as science, guidance, fine arts, music—some of them work an 11-month year, some of them work a 10-month year. Now, a 10-month year as it's interpreted in the BASAS contract, means a summer vacation period, not the week in December, the week in February or the week in April which are school vacation periods.

Mr. Alexander. So it would have been fair to conclude in December of 1973 that any planning or implementation that would have to occur after the school year would have to be planned for, paid for, and specific arrangements would have to be made in the 6 months following before school closed down; would that be correct?

Mr. Leary. Generally, yes.

Mr. Alexander. Was any such planning done, were any funds requested from the school committee or from any other source, to put personnel on during the summer?

Mr. Leary. Yes.

Mr. Alexander. When was that?

Mr. Leary. Well, we had what we call a desegregation budget, and we requested funds through the usual city offices in the 6 months before the plan went into effect, and the request was for upwards of about $8 million to $10 million in the budget. And these requests were made for such activities as facility renovation, facility reallocation of equipment, workshops, community-student relations, information and public services—

Mr. Alexander. What is the date of that request?

Mr. Leary. It would have to have been submitted in preliminary form in February, and in final form before the first Monday in April.

Mr. Alexander. And what was the result of that submission?

Mr. Leary. As I recall, the mayor approved approximately $4 million of the $8 million that was requested.

Mr. Alexander. Was any of that money for personnel to operate over the summer months?

Mr. Leary. Some of it was, yes.

Mr. Alexander. Minimal amount, sufficient amount?

Mr. Leary. As I say, not a sufficient amount, no.

Mr. Alexander. Did you become involved in the city hall planning meetings that were held, the 12 neighborhood teams?

Mr. Leary. I was involved with meetings with a variety of people, ranging from the Governor to the mayor to members of their staffs, meetings with—several meetings with Senator Kennedy, discussions with Senator Brooke's staff, meetings with the community, students, police, fire—

Mr. Alexander. Did you specifically become part of the task force that was described by Mr. Kiley previously?

Mr. Leary. Well, I had a number of meetings down at city hall. I don't know if it was part of a task force. I did meet on a number of occasions with a variety of officials at city hall, and on other occasions, because I'm responsible as well for the educational process going on as well as the desegregation process going on, I would send staff people.

Mr. Alexander. Did you send staff people to attend each of the neighborhood team meetings?

Mr. Leary. We had school people represented, usually our area superintendents, but principals were there as well.

Mr. Alexander. Whose decision was it as to who was to go? For example, was each headmaster whose school was to undergo desegregation ordered to attend those meetings, or do you have that authority?

Mr. Leary. Really, under the contract with the unions, it's difficult for me to order anyone after the stated period of time requested by the contract. However, I found that through a relationship which is set up with the superintendent and the professionals in the school system, that a "request" was as effective as an order, and most often the principals and headmasters would appear at the meetings.

Mr. Alexander. In relation to law enforcement responsibilities in and about the schools in the opening last September, what expertise did you have available to you to make law enforcement recommendations?

Mr. Leary. Well, I had, again, the meeting with—the liaison of the police commissioner. I often met with the Commissioner di Grazia as well. But I met with his liaison, who is Deputy Paul Russell. I had also designated people on my staff to meet with police officials, which they did. Mr. Kiley of the mayor's staff and I met very frequently.

So I felt that we had a good communicating system. I think the problem was really one of jurisdiction, conflicting jurisdictions, that Mr. Kiley mentioned earlier as being a significant part of that problem.

Mr. Alexander. Well, for example, would the decision to have a specific number of police officers inside a particular school be based on your recommendation, or is that a decision the police department makes by itself?

Mr. Leary. No, I think that would be a decision that the police department would make in conjunction with the assistant superintendent and the principal or headmaster located in the area at the time. They would consult with me, but basically their consultation would consist of a recommendation.

Mr. Alexander. Ms. Fahey, as we know, has been nominated to be superintendent starting this September. How are you and she involved in the process for planning Phase II?

Mr. Leary. We've been going through a transition phase since Miss Fahey has been nominated, and for example, last week we met each day for a minimum of an hour to a maximum of 2 to 3 hours on various facets of the school organization, including Phase II, including the budget personnel.

Mr. Alexander. Phase II until August 31 is your responsibility as superintendent?

Mr. Leary. Primarily, the planning for it comes under my aegis, that's correct, as long as I'm superintendent.

Mr. Alexander. Is there now a specific person designated full time to coordinate desegregation responsibilities?

Mr. Leary. Presently, I have assigned Associate Superintendent Charles Leftwich to that role.

Mr. Alexander. Based on your Phase I experiences, what types of things would you like to do for the Phase II planning—optimal?

Mr. Leary. Well, I think that one of the things I would like to see would be a highly intensive planning effort made at the local school level. I think it's necessary for teachers, principals, assistant principals, directors of departments, to be planning for the activities of Phase II, and I know that there is a very heavy financial consideration here, but I think that if the orders of the court are to be carried out—

Mr. Alexander. Is there any doubt about that?

Mr. Leary. I'd like to complete the statement, if I may.

Mr. Alexander. Okay.

Mr. Leary. If the orders of the court are to be carried out to the best ability of the people involved, that they ought to have the time and they ought to have the planning set up, that the best that can be done. I think that students ought to be involved in that planning; I think that parents ought to be involved, and I think that the community at large ought to be involved. Certainly, these groups ought to be plugging in, for example, with the court-ordered Citywide Coordinating Council. All of this is going to cost a considerable amount of money. But I don't think that the money really should be a consideration. It must come forth if the orders of the court are to be carried out as well as the court intends them to be.

Mr. Alexander. I have no further questions at this time.

Chairman Flemming. Commissioner Saltzman.

Commissioner Saltzman. Mr. Leary, how would you evaluate the school committee's efforts after Phase I was ordered to implement the desegregation effort? Was it obstructionistic, was it cooperative?

Mr. Leary. No, I can say that the school committee always gave me whatever I asked for in any area, to carry out Phase I. If I asked for personnel, if I asked for overtime, whatever I requested, the school committee granted.

Commissioner Saltzman. Would you evaluate the present planning under way for the implementation of Phase II as adequate, from your office?

Mr. Leary. We have a very difficult timetable with which we must comply, because the court order came down on May 10, and the time line for that court order is extremely difficult to meet.

However, I have asked my staff not to engage in any self-fulfilling prophecy type of situation by saying we couldn't meet the time line, and then not meet the time line, and have the court in effect say, "Well, you said you couldn't do it. Are you just trying to prove you can't do it?"

I have instructed the planning staff that even though many of them feel it will be extremely difficult to meet these time lines, that they are to proceed and to make every effort to carry out those time lines. And by that, I have instructed them to work overtime, to work weekends, for example, to work tomorrow which is a holiday in Suffolk County. So that my instructions to them are to make every effort to meet each court deadline as it comes up. Thus far, they have been able to do that.

Commissioner Saltzman. What would account for the fact that South Boston High School is in such poor repair compared with other high schools?

Mr. Leary. That would involve—part of that would involve a description of the relationships between the social class, the majority ethnic group in this city around the turn of the century, and the control which the State legislature still has over how much money will be spent for building repairs. The State legislature still controls the amount of money that the department of planning and engineering can spend on school repairs. This is a unique situation which is not, to me anyway, nowhere else present in the country.

Commissioner Saltzman. But, if I may pursue this further, you indicated that there was $5 million available to the school administration for repairs; isn't that so?

Mr. Leary. That is so, but that was only true until approximately 6 years ago. Prior to that it was only $2.5 million. So therefore for a period of decades, there was a totally, in my opinion, a totally insufficient amount of money to keep up the buildings in the Boston Public Schools. There was just not enough money provided. Therefore, that is how many of them came into a state of disrepair.

Commissioner Saltzman. But what would account for the fact that South Boston High School is in such a serious state of disrepair compared with, for example, the Roslindale? Is there some differential on the basis of which this money is spent?

Mr. Leary. I think the age of the buildings would have one thing to do with it, and then secondly, the way the money is spent by the chief person in charge, Mr. Galliata, presently in charge of planning and engineering, is on a reactive basis rather on a proactive basis.

The plans for building repairs and requests for building repairs come in every year, and Mr. Galliata—his explanation to me has been that he takes them on a priority basis. He takes each school on a priority basis, and many of the schools in Boston, until very recently—and some which are going to be closed under Phase II, incidentally—are very old and have not been repaired.

But we have other emergencies such as glass breakage, fires, and the money that might ordinarily be spent—again, a limited amount—on requests from a school such as South Boston High School, might be delayed, so that if a building burned down and we had to open up a satellite building, funds would have to be transferred over to open up that building.

So I think the problem has been that the amount allowed to be spent on building repairs has been insufficient to cover the entire city. So some schools fall into more disrepair than others.

Commissioner Saltzman. One final question, sir. How would you evaluate the quality of education in the Boston school system?

Mr. Leary. Well, I think I could read a statement on that which would be true of an urban school system anywhere. I don't think one can isolate what is going on in Boston in many ways in urban education as being different than that which is going on in other cities.

In cities, it costs more to do the same. In Boston, it costs more to do the same. There have been innumerable reports which indicate that large city school systems have more problems than other types of school systems.

I think in Boston we are making, as all urban systems are, every effort to get the most out of a dollar. But I think that the needs of the city, the needs of the children in the city, are very great, and I think that extra expenditures for them are necessary.

We have greater percentages of handicapped children, for example, greater percentages of emotionally disturbed. A variety of the problems that poverty brings with it are present in the city of Boston, because I think that Boston primarily is at the present time a working class city. It is not, as it has been portrayed, I think, recently, as the great bastion of liberalism.

There are islands of liberalism in the city, which consists of the universities. And I think—when I heard one of the gentlemen talking earlier about the people of Boston who went down south 10 years ago, people from 20 miles around refer to themselves as "from Boston." Very frequently, they could be from Cambridge, or they could be from Medford, or they could be from Wellesley, or they could be from Wheaton, or they could be from a number of places.

But I think the school system has a long way to go in helping the kids to get a better education, but I think that the efforts are being made particularly by the teachers and the administrators to see that that happens.

Unfortunately, one of the major problems—finances—we find ourselves, rather than staying even, sometimes falling behind.

COMMISSIONER SALTZMAN. One aspect of that, if I may just pursue this, one further point. Do you have any feeling about the impact of desegregation on the quality of education in the city?

MR. LEARY. Well, I think that in some areas it's been beneficial. In some areas, perhaps not so beneficial. I think that for every study that can show that it's had a positive effect, there is probably an educational study that can show something other than that.

I think Nancy St. John has just completed a series of studies which show medium to little effect. Azioni has also been doing some sociological studies.

A variety of people are talking about the impact now. Biloine Young and Grace Bress recently in the capitol raised this issue as well.

I think it's something that will require two types of studies, a short range in the city, and a long range in the school. I think it's too soon, in Boston anyway, to determine whether it has been that helpful or whether there has been any effect at all.

CHAIRMAN FLEMMING. Mr. Ruiz.

COMMISSIONER RUIZ. Mr. Leary, I understand that you have been superintendent by appointment of the Boston School Committee for 3 years.

MR. LEARY. That is correct, sir.

COMMISSIONER RUIZ. Four years ago, the Massachusetts State Advisory Committee had a hearing. Your predecessor, a person, if I recall, by the name of Ornby—

MR. LEARY. My predecessor was Mr. William Ohrenberger.

COMMISSIONER RUIZ. Ohrenberger testified before that State Advisory Committee.

In response to the request by the counsel, a substantial number of Puerto Rican students were dropping out in the high schools, it was answered in substance that reasons—if there were no holding power for Puerto Rican students, it was not understood by him. My question is whether this high dropout rate has continued until today.

MR. LEARY. I don't have any statistics immediately available on that particular situation. My guess would be that unfortunately, it probably has, but I am not sure.

COMMISSIONER RUIZ. Do you agree with the testimony of Paul Parks, secretary of education, office of the Governor, that this type of ethnic bilingual problem has little significance as far as the educational fabric and its curriculum?

MR. LEARY. I don't quite understand what you're asking me, sir.

Commissioner Ruiz. Well, that is the substance of what he stated, and I wasn't sure as to what his answer was, but you as an educator might be able to know better than I, because I'm just a lawyer, not an educator.

I'll ask it this way: Is it your feeling that there will be value in the intercession of curriculum planning by institutions of higher learning and preparing teachers and other personnel to sensitize them to the educational needs of other ethnic minorities in the conflict which is of interest to this Commission?

Mr. Leary. Yes. I think I understand it a little better now.

I think one of the things that perhaps disturbs me more than anything else is criticism from university people. School systems derive their personnel, that is their teachers, directly from universities. This is from whence they spring. So if there are needs for training, in the sensitive areas—in the sensitivity areas of city education, then it ought not to come through on-the-job training as in many cases it presently does.

We have an effort currently going with Boston University where we are beginning to train bilingual teachers to come into the city and begin their efforts here. But I think much more of that is needed. I think there is a whole area of urban education, understanding and being sensitive to the needs of urban kids, that are not being dealt with in universities. And I think that the power structure in the universities predominantly belongs to white, upper middle class America, and therein lies part of our problem.

Too frequently, these fellows have come in and women have come into the city to do studies for whatever reason—I'm sure, necessary research—I endorse research, it's necessary—but they take their results, print them either in books, documents, manuscripts, dissertations, whatever, and leave the city hanging with no information about the results of those studies, or little information or incomplete information, which is just as bad.

Commissioner Ruiz. Well, given the answer of your predecessor and your own lack of information on it, do you feel it may be worthwhile to lessen ethnic tension to make such a recommendation in this cooperative setup?

Mr. Leary. Yes, I think it would. I certainly know that our bilingual department in Boston is doing everything they can to work with the various bilingual groups, and they need more help. Certainly, I hope that in the cooperation that Judge Garrity has asked for between universities and city schools, that this would be one of the recommendations that would have merit.

Commissioner Ruiz. And pursuant to your particular position in this overall setup, will you examine that and make such a recommendation that you believe it is feasible and proper?

Mr. Leary. In my very brief time of office, I certainly would.

Commissioner Ruiz. I would like to ask just one question following up on that before I recognize another member of the Commission.

What has been your experience in terms of the colleges of education that are located in Boston or in this area, placing students for practice teaching in the Boston schools? Have they placed persons who are representatives of various minority communities? Have they placed persons who are obviously persons who are are in a position to render a constructive service in the Boston schools? In other words, what's been the relationship between the schools or colleges of education in this area and the public school system of Boston in the area of practice teaching?

MR. LEARY. I think it's been reasonably good. We have had a number of the colleges and universities utilizing our schools as areas where young people could come in and develop some of the techniques and sensitivities necessary to become urban teachers.

I think I have served on the faculties of two of the local universities, Boston University and Harvard, for the past 3 years at no pay. And I do that specifically because I want to get into the universities and begin to tell the story from the practical and pragmatic point of view.

There are many students who might be very successful teachers in an urban situation, and then again there are others who might not be. And I would like to see the colleges and universities—and some of them are beginning to do this, incidentally—at a much earlier stage, bring their students into urban school systems and have the students themselves begin to feel out whether or not that's the type of classroom situation and student that they want to deal with and then are getting trained to deal with.

CHAIRMAN FLEMMING. In other words, I gather you could accommodate more than are now participating in the program in the Boston Public Schools.

MR. LEARY. Yes, we could.

CHAIRMAN FLEMMING. What is your evaluation in terms of the representation of minority groups in the student bodies in the colleges of education as reflected in their participation as practice teachers in the public school system?

MR. LEARY. In the past several years we have had additional numbers of minority students from the universities working in our schools. Quite obviously, we do not have—and we will under the court order—greater numbers of minority teachers and administrators in the school system.

I think that one of the difficulties that we have had as a school system, is that many of the graduates from the local universities have a variety of opportunities besides urban teaching, and some of them have been accepting those opportunities. But now we are getting additional numbers of minority student teachers, as well as minority teachers.

CHAIRMAN FLEMMING. Commissioner Rankin?

COMMISSIONER RANKIN. I recognize the difficulty of the school superintendent, particularly in the city where there are such diverse views as you have here—and you must have support to be a successful one, isn't that correct? You have to have support in the office.

MR. LEARY. My support ran out, I think, April 29, Mr. Rankin.

COMMISSIONER RANKIN. Would you be willing—you don't have to, but would you be willing to characterize the support as plus, passive, or minus of the following groups: The city council, has it been plus or minus?

MR. LEARY. The city council really doesn't have that much to do with the superintendent. My relationships with the city council have been plus. I have addressed that body as a group and as individuals.

COMMISSIONER RANKIN. The school board, plus or minus?

MR. LEARY. I think they indicated on April 29, for my relationships, are minus. No, my personal relationships with the school board are fine. I have no problem with them. They are elected by the voters to select a superintendent, and they felt that someone else ought to fill that role.

COMMISSIONER RANKIN. The citizens as a whole, has it been plus or minus, do you feel?

MR. LEARY. Well, I think that in the last days before the nominations were made for superintendent on April 29, there were several citizens' groups that wrote letters in my behalf to the school committee, so I would feel generally that my relationships with the citizens' groups have been okay.

COMMISSIONER RANKIN. What about other school administrators like principals and assistants?

MR. LEARY. From the administrators—from the time I was in office I conducted regular meetings with them every 4 to 6 weeks, both the principals and the directors in the school system.

COMMISSIONER RANKIN. One other question.

MR. LEARY. Excuse me, sir. I might add that the teachers passed a resolution which was adopted by approximately 500 of them at their most recent meeting, in which they commended me for my service in the Boston Public Schools as superintendent, and I'm very proud of that particular commendation.

COMMISSIONER RANKIN. Did you get good support from the press and the media, the communication media?

MR. LEARY. Yes. I would have to say I tried to be open with the press. The press usually had access to me. I tried to return all of their calls, and I tried to be available for interviews, and I feel that my press coverage in Boston was excellent. That is not to say that the press hesitated to criticize me. They did not. But I feel their coverage of me and my 3 years as superintendent was more than fair.

COMMISSIONER RANKIN. I have one other question. Would you comment on your idea of the probable success of magnet schools in Boston?

MR. LEARY. I think that there is great hope for magnet schools in the long run. I think what must—the insurance that must be taken is that in the short run, not too much be promised to the people, to the parents and the students of the city of Boston, so that they expect that in September of 1975, some sort cf miracle is going to take place in magnet schools, because it is not.

I think the key is short-range and long-range planning and not raising the expectations of parents and kids too high. But I certainly feel that there is hope for magnet schools in Boston.

I was an advocate, for example, of the magnet school of the performing arts several years ago with the Boston School Committee, and was very happy several weeks ago that we announced the opening in September of a new high school of music, and this, I think, is the type of thing that is going to help the Boston school system become a better school system.

COMMISSIONER RANKIN. Are students already applying for admission to magnet schools?

MR. LEARY. Yes, they are.

COMMISSIONER RANKIN. How is it working out?

MR. LEARY. Well, we're in the middle right this week of a student assignment process, which is a staggeringly difficult job, and right now I would not be prepared to report to you, sir, because I really don't have the details of it, except that it is going on and we are making the assignments.

COMMISSIONER RANKIN. But you feel encouragement, don't you?

MR. LEARY. Yes, I do.

COMMISSIONER RANKIN. Well, thank you.

CHAIRMAN FLEMMING. Mr. Horn?

COMMISSIONER HORN. Superintendent Leary, you and I as administrators know that the world is full of Monday-morning quarterbacks about administrative decisions, and I just wonder, based on your experience under Phase I, if you did have to do certain things over, would you make some key decisions differently, and if so, what are they?

MR. LEARY. I think I've indicated the first one, the more intensive planning at the local school level, that is, for programs, for curricula, for interaction among parents, students, and staff. That would be the first thing I think I would—if I had my "druthers"—that I would do again.

Next, I would like to see more programs on a citywide basis among differing community groups. There are a variety of names for that which are particularly offensive to some people. It's been called such things as human relations training, sensitivity training, conflict management. I don't like any of those terms, because to some people they convey an effort that you're trying to brainwash them to a particular point of view. That is not what I'm talking about. What I am talking about is getting black people, Hispanic, Anglo, Oriental, and any other of the various ethnic groups to sit down across the table and begin to talk about "their differences." I have been engaged in some of those sessions during my past year as superintendent in Phase I, and I have found out that for perhaps the first hour or so, the discussions center around the differences, but after that, they center around the similarities.

And there is a beginning of an understanding that what each parent wants is the best for his or her child. Now, that sounds trite, but it is true. The parent wants what is best for his or her child. And suddenly, when that becomes apparent, ethnic differences fade.

And I would like to see these types of dialogue going on around the city.

We have had some of them with our crisis prevention group, and you will meet Miss Anne Foley who will talk about that in a little more detail, I think, in the next group.

So we have had some of that, but I would like to see much more of it. For example, there were certain sections in the city that didn't have any dialogue at all until well into November, and there were other sections of the city that began last summer. So I think much more of this type of discussion, and that is the only word I will use, sponsored by either the school department, the Justice Department, Community Relations Service, city hall or all of these and other groups—Citywide Coordinating Council perhaps might be able to do it—would be something that I would like to see.

And then finally, for Phase II, a greater coordinated effort in the area of safety and security. It is quite difficult to ask teachers and school personnel to participate in security problems which may be exterior to the school. The school is not subject to being unaffected by what happens out in the streets. If there are police out there or if there are crowds of people, this is reflected in the tension factor within a school, and this results frequently in safety and security problems. So I would like to see a closer relationship between the local schools and safety and security officials so that greater communication would take place among those folk as well.

Last year, I was able to meet with almost every teacher in the school system by breaking the area down, the school system into six areas and meeting with the teachers an area at a time, in groups of about 800. And we also delayed the opening of school.

I think for information-giving purposes for all the teachers, this was a very good thing. It gave me a chance to give them the big picture while their principals were working with them in their own individual problems.

In the delayed opening of school, I think this was helpful to allow the teachers to get organized with their teachers, with the programs, and with the facilities needed to function properly in the school.

COMMISSIONER HORN. Following up on that, the so-called human relations program for students and staff was voluntary; is that correct?

MR. LEARY. That is correct.

Commissioner Horn. You mentioned also the problems of the union contract, and I wasn't quite clear. I got it that you really couldn't hold programs after the conclusion of school, except for 2 days perhaps before the beginning of the fall semester, unless you had funds to pay individuals to attend these sessions and that with the principals' and the administrators' union, they only worked about 2 weeks after the conclusion of school and 2 weeks beforehand; is that correct?

Mr. Leary. That is correct.

Commissioner Horn. Well, how about during the school year? Can you, as school superintendent, mandate that the staff attend certain sessions, let's say, after 3:30 in the afternoon or does the union contract bind you then, also?

Mr. Leary. The union contract binds me, also.

Commissioner Horn. In other words, your flexibility as an administrator and that of the Boston School Committee is limited by collective bargaining contracts that have been negotiated in advance of this particular situation?

Mr. Leary. That is correct.

Commissioner Horn. When does that contract expire?

Mr. Leary. A new contract with the union has recently been signed, and it is, I believe, a 2-year contract, which will not expire till—

Commissioner Horn. It's been signed during Phase I?

Mr. Leary. It was negotiated during Phase I. I'm still not positive that it's been signed. The negotiations have been completed, however. The teachers are receiving their raise. I think there are still some items that are under—some minor items that are under negotiation, but there has been a general agreement between the committee and the Boston teachers' union.

Commissioner Horn. Was there any attempt by the Boston School Committee and your office to negotiate provisions in the new contract that there would be perhaps mandatory human relations training for the staff?

Mr. Leary. We talked about that. The point there is that once you have negotiated in a prior contract the fact that you're going to pay teachers and administrators for work above and beyond the school day, then it's very difficult to renegotiate that point.

Once that point has been granted as it has been in previous contracts, it is usually not negotiable to try to open up an area that's already been agreed upon.

Commissioner Horn. But we live in a world of trade-offs in labor negotiations, and it seems to me that the employer, who presumably is there to protect the public interest, hopefully, could set out the priorities as to what areas do they feel are most crucial.

Is there any feeling on the part of the Boston school administration that this type of training is essential, and if you don't have the funds to pay for it, and the Federal Government isn't going to give you the funds to pay for it, how do we solve the problem?

Mr. Leary. Well, I think one of the things that you hit upon is the problem. I have asked myself that several times. We have raised, incidentally, the issue of a longer school day in negotiating. That was part of some of the items that I, as the superintendent, presented to the school committee's negotiator, so that has been done.

Commissioner Horn. Did you win it?

Mr. Leary. No. With the assistant principals, we did win an extension of about half an hour a day. Incidentally, the assistant principals negotiate separately. And we did win that with them for their pay raise, but that's only with the assistant principals. We have not as yet won it with the teachers or with the administrators.

Commissioner Horn. Mr. Chairman, at this point in the record, I would like to ask that the relevant portions of the labor union contracts for the teachers, administrative staff, etc., that limit time periods be inserted in our record, so we can have a complete record on this.

Chairman Flemming. Without objection, it will be entered as exhibit no. 4.

[Whereupon, the document referred to was marked as exhibit no. 4 for identification and received in evidence.]

Commissioner Horn. What concerns me in this, and this is why I started with former Deputy Mayor Kiley on union negotiations and really to what extent they had involved labor unions, is that to the lay public out there at the other end of the TV tube or the newspaper, they look on the good guys and the bad guys as essentially being a school board, or a superintendent, or teachers, or students. And they don't realize the institutional limitations that have been placed perhaps in other times on public institutions through collective bargaining contracts that severely limit your ability to carry out a program in the public interest. And I think this is something that this Commission and others in this country should address themselves to.

Now, one last question has to do with the Federal Government, which you've mentioned, and their role in terms of funds that would aid in training individuals for desegregation.

My understanding is that because of the attitude of the Boston School Committee, all Federal funds were cut off for Boston including funds that might have been made available for desegregation education; is that correct?

Mr. Leary. Well, for a time, it was, but in this past year, we have received from the Emergency School Aid Act some $1.9 million to assist us in Phase I.

Commissioner Horn. At what point in Phase I did you receive that money?

Mr. Leary. I think that money came through around January of this year.

Commissioner Horn. And Phase I had gone on how long?

Mr. Leary. The planning for it, since probably December of '73, late December '73.

Commissioner Horn. In other words, the Federal Government gave you absolutely no help in terms of planning money to sensitize your staff in terms of desegregation.

Mr. Leary. I would say that's generally correct, sir.

Commissioner Horn. Thank you.

Chairman Flemming. Just to follow that up, was that because of the fact that the department had held the Boston School Committee out of compliance with its regulation?

Mr. Leary. Yes, sir.

Commissioner Horn. May I follow that one up?

My understanding is that because of that very situation, HEW in Washington also prohibited the Hartford Title 4 Desegregation Center from aiding the Boston School Committee in any way; is that correct?

Mr. Leary. For a time, although later we did get some help from them.

Commissioner Horn. Very much later in Phase I?

Mr. Leary. Well, they were with us for a while, then they were withdrawn. Then they came back. What the time sequence is exactly—

Commissioner Horn. Would you have that available to furnish the Commission with the time sequence? Because that decision I heard about, and that really disturbed me.

Mr. Leary. I will try to get that information.

Commissioner Horn. Fine.

Chairman Flemming. If you could, we would appreciate it.

Just a couple of—may I follow up on Commissioner Rankin's question by asking you, as superintendent of schools, as you were going through this very difficult period, how would you rate the leadership and support provided you by the leaders of the religious communities? Say A through D—you know, A, B, C, or D.

How would you rate it?

Mr. Leary. Well, I think the leaders of the religious community in Boston were very supportive of the efforts that I had. We had priests, ministers, rabbis riding buses. They were talking to their flocks and so forth for a good period of time. They were very helpful.

Chairman Flemming. How about the business community?

Mr. Leary. Since the formation of the trilateral task force about a year ago, I think the business community has become much more positively involved in the Boston Public Schools.

I would say for my first several years, the business community here sort of resembled what an old superintendent from Fort Worth, Texas, told me when I went to my first superintendent's convention. He Said, "They'll give you the best filet mignons you ever tasted once a month, but they ain't going to do a hell of a lot more."

But the business community in Boston for the past year through the trilateral task force has been much more helpful.

Chairman Flemming. How about the leaders in the field of higher education in the area?

Mr. Leary. They are very nice men and women. I met with them several times and we had delightful lunches. And until Judge Garrity's order, I would say there was some response. Boston University, for example, provided 36 scholarships; Northeastern, some; Boston State, some training programs for seniors and so forth at South Boston English High; and the learning and teaching institute at U Mass., Boston, were helpful. Other than that, it could have been better.

Chairman Flemming. I listened with a great deal of interest to your comments on the benefits on the intergroup discussion. Apparently, you have participated in quite a number of them yourself, and had the opportunity to observe the results that flow from that kind of an approach.

I don't know what your plans are for the future, but if you are going to continue to live in this area, are you prepared, as you look forward to Phase II, to help stimulate additional intergroup discussions of this kind?

Mr. Leary. Well, while I am in my present role?

Chairman Flemming. No, I was thinking beyond your present role. As I say, I don't know what your plans are. I don't know whether you're going to be living here.

Mr. Leary. Right now, I don't know either.

Chairman Flemming. Okay. But if you continue to live in this area, do you see this as the kind of a contribution that you, as a former superintendent of schools, could make to the implementation of Phase II?

Mr. Leary. I think if I lived in the area, yes, I would certainly try to do just that. I think it's essential.

Chairman Flemming. Well, may I express on behalf of the Commission our appreciation for your being with us today and providing us with the insights that you have developed as a result of the experience that you have had in connection with Phase I, and as you participate in the planning for Phase II.

Mr. Leary. Thank you, sir.

Chairman Flemming. Counsel will call the next witnesses.

Mr. Alexander. John Coakley and Anne Foley.

[Whereupon, John Coakley and Anne Foley were sworn by Commissioner Flemming.]

TESTIMONY OF JOHN COAKLEY, DIRECTOR, EDUCATION PLANNING CENTER; ANNE FOLEY, DIRECTOR, CRISIS INTERVENTION CENTER

Mr. Alexander. Would you both state your name and position for the record?

Ms. Foley. My name is Anne Foley. I am director of crisis intervention and prevention for the Boston School Department.

Mr. Coakley. I'm John Coakley, assistant to the implementation coordinator.

Mr. Alexander. What other positions have you held in the past year, Mr. Coakley?

Mr. Coakley. Over the past several years, I have been associate director of the education planning center.

Mr. Alexander. Could you briefly tell us what the education planning center was set up to do, and then what its role has been in the whole desegregation process, in very brief terms.

Mr. Coakley. Originally, it was concerned with program planning for new schools in the city. It also concerned itself with developing proposals for external funding, with organizational studies, with crisis intervention for a brief period of time, and with districting for the new schools which were opening in the period after 1969.

Mr. Alexander. What has its function been in the desegregation process?

Mr. Coakley. For the last year or so, with the exception of a small number of staff, the bulk of the planning center personnel have been exclusively concerned with either implementation of Phase I or Phase II, or responses relative to those two phases.

Mr. Alexander. Mr. Leary mentioned the December 1973, plan. Was your office involved in the development of that plan for implementation of Phase I?

Mr. Coakley. As long as it's understood that we weren't responsible for that plan. That plan was developed by the State board of education.

Our office was concerned with implementing that plan and with developing, in particular, a timetable of implementation.

Mr. Alexander. And what was the timetable for implementation, starting with December, 1973?

Mr. Coakley. The document itself laid out approximately 10 major endeavors—I think they were listed by the superintendent recently—and indicated who was responsible for those activities, and what time lines those persons should follow, and also, how the overall effort should be coordinated.

Mr. Alexander. For example, when were student assignments to go out?

Mr. Coakley. Well, the timetable may have indicated one thing, but the supreme judicial court of the Commonwealth indicated another. The SJC indicated that the student assignments were to go out the 15th of April in '74.

Mr. Alexander. And in fact, did they?

Mr. Coakley. They went out the 14th of April.

Mr. Alexander. Were there problems in putting out the student assignments in that period of time that you had available to you at that point?

Mr. Coakley. Yes, there were. The court order—I suppose there were many court orders—but the court order—

Mr. Alexander. We are referring to the State court, now.

Mr. Coakley. The State court order of the SJC, as I recall it, was the 26th of March. There had been a period of several months prior to that when the plan was under potential modification and/or revision.

But between March 26 and April 14, assignments were made, and that is a short period of time, and there were predictable difficulties.

Mr. Alexander. These were difficulties of what nature?

Mr. Coakley. Well, for one thing, we had not had as much time as we would like to make certain that children's—students' grades and addresses were in perfect order, and for another thing, we were not in a position to do dry runs, so to speak, with the computer, to guarantee a minimum of errors.

Mr. Alexander. Now, on another component of the plan, when should have, optimally, the various local schools been informed as to who their students would be and have those records transferred to them?

Mr. Coakley. Well, let me put it this way: For many, many years prior to that time, it had been the practice at the secondary level of trying to get students to make choices of middle schools and high schools, by approximately the 17 of March. And by doing it, namely, making students' decisions my mid-March in ordinary years—that made it possible for schools, not only to determine who their students would be for the following year, but make staff decisions for the following year, student schedules—which are an extremely important thing for the following year—and then the related matters of textbook acquisition and the like.

Mr. Alexander. When in fact did these things go out last year?

Mr. Coakley. Well, the student assignments were indicated in mid-April. Staff assignments, which were considerable under this massive reorganization of the school system, went out in mid-May, although I must note that later on in the summer as a result of Judge Garrity's order, they were changed still again. And some scheduling work began in schools in May and June, but logistical changes and exchange of records did not go out during the school year in the spring of '74.

Mr. Alexander. What would account for a delay from between April and the close of the school year to sending out of the transfers of the students and those records?

Mr. Coakley. There was a recommendation to the superintendent by a number of us, that all the steps short of actually sending records to new schools be pursued. And the reason for that was during the spring of '74, there was very considerable activity on Beacon Hill at the Statehouse as a result of what I will characterize as efforts by the then Governor in the legislature to consider modifications in the Racial Imbalance Act. And the possibility loomed to a number of people in the school system that if those efforts had proved successful, then just possibly the Phase I plan which then was under the racial imbalance law, might not have been carried out.

Mr. Alexander. So you were awaiting, in a sense, to find out whether in fact the State judicial court's order would withstand the test of the State legislature?

Mr. Coakley. In essence, yes.

Mr. Alexander. I gather the Federal district court's order in June precluded that, and then the assignments were sent out?

Mr. Coakley. Well, I must correct you now. The students' assignments—

Mr. Alexander. Not the assignments.

Mr. Coakley. —were not sent out anyway. But such things as the transfer of student records to assigned schools then took place, yes.

Mr. Alexander. Was there any recommendation to the superintendent along with the recommendation to hold the second stage mailing, in effect, to provide personnel to be on standby for the summer?

Mr. Coakley. There were two kinds of recommendations made by many of us, and the superintendent endeavored to pursue both of them. One was to request of the school committee that students' attendance be terminated early in June of 1974, with a view to enable staffs in the schools to prepare for the transition. Indeed, part of that plan was for teachers and administrators to spend some of those latter days in June at their newly assigned schools. That, to my knowledge—I won't say to my certain knowledge—but my general recollection is that the school committee did not approve that recommendation from the superintendent.

The other matter was for the superintendent to indicate to secondary principals and headmasters, primarily, but to some extent to elementary principals, that they were to identify key staff to work during the summer to work specifically on student scheduling matters which were very much behind time, but also to cooperate in any other fashion possible with the implementation of the plan. And one particular possibility that was laid open to principals was the fact that the city government had put into being neighborhood teams which were trying to help in a variety of ways.

Mr. Alexander. Could you briefly describe the types of personnel resources involved at the educational planning center to carry out the various planning that you had to do to implement the court order? And also, I gather your role has been somewhat of an advocate role in recommending other plans and evaluating various proposals.

Basically, what kinds of staff are we talking about? The educational skills, the desegregation experience, the particularized training that people were sent to.

Mr. Coakley. Well, there was a core staff of about 10 or 11 persons who had been at the center anywhere from 3 years to 7 or 8 years. And that would include people such as myself who had been very much involved in new school planning and organizational studies, in districting work, who had been most familiar with what was going on in the three litigations involving the school system.

We added to our staff, as the superintendent indicated, during the spring of '74, and primarily our interests there were in getting a variety of teachers from the several grade levels so we would have a fairly global view of the school system as we endeavored to carry out the implementation.

Mr. Alexander. Would it be fair to say that the persons that you are referring to, that their background is primarily a background in education? People who had been teachers or people with education degrees?

Mr. Coakley. It's fair to say it was exclusively in education.

Mr. Alexander. Okay.

Did you bring into the EPC at any time persons from other parts of the country or from the Boston area, with specialized desegregation training, be they law professors or sociologists or educational specialists in desegregation?

Mr. Coakley. We did not. However, some of our staff attended meetings that the superintendent had with persons who had been involved in desegregation in other cities.

Mr. Alexander. Did you or any of the other staff people involved tour other parts of the country to consult with other systems that had undergone desegregation?

Mr. Coakley. Not to be flippant, but I had some troubles that spring in getting from work to home, and we really did not have the time to do any kind of visiting.

Mr. Alexander. Okay. I was not necessarily referring to this past spring, but EPC has been involved in this process for quite a number of years with relation to the State racial imbalance law, the HEW study as well as the Federal district court litigation.

During any of this period of time, have people from the EPC gone outside of the Boston city to consult with or investigate on a first-hand basis the process as it operated in other school systems undergoing desegregation, or even undergoing some form of voluntary integration?

Mr. Coakley. I think if there were any examples of our doing that, they were so minor as to escape my memory, so I think a basic answer would be no.

Mr. Alexander. When you began to transfer your function from new school program planning to school desegregation, did you at that time feel that yourself or the others that worked with you had the requisite skills and knowledge basis at that time to be able to function in this setting of desegregation of the public schools?

Mr. Coakley. Well, for one thing, when we were first involved in that kind of work, I think it was large on opening new schools and small on desegregating them or racial-balancing them, and I don't mean to suggest we were indifferent to that. I do feel that a number of that took rather strong postures on attempts to desegregate or racially-balance schools, the Lee School in Dorchester being a prime example.

However, I think our prime concern at that time was in opening schools. I think I am always somewhat in doubt as to my ability and that of my colleagues to address issues, but somehow or other it didn't stop us from trying to develop techniques for districting schools.

Mr. Alexander. Would it be fair to say that throughout the process that the EPC has developed considerable expertise in the area at the present time? The question was a former question.

Mr. Coakley. Yes, I think we have few equals in the country.

Mr. Alexander. Ms. Foley, could you briefly explain for us what your role is and what the responsibilities of your office are?

Ms. Foley. Originally, the crisis prevention and intervention department was established 3 years ago as a Title 3 ESEA project. The original objectives included police school liaison, working in a specific community, addressing such issues as substance abuse, student participation, etc.

It became quite clear, however, after a year of operation, that there were certain upcoming issues such as desegregation, that would have to be addressed and could—started to be addressed, perhaps in a small way, but at least in some way.

I have attended several desegregation conferences. In '73, I took a team with me to St. Louis, and also as recently as this November, I attended a conference run by the desegregation center out of Miami, Florida.

The role of the crisis prevention and intervention department—and I'd like to stop right now and explain what the department consists of, because you are looking at it. I do have a secretary. I have two clerical, who are working with the biracial council, and hopefully this week I will have cleared for an assistant to work with me this summer.

My role in terms of early desegregation planning was in terms of reporting, sending reports to various associate and assistant superintendents, and to the superintendent: specifically at this time, or earlier last year, around the issues of rumor control. As you know, as was mentioned in early testimony, there was a rumor control center established at city hall that was actually a coalition of the school department information center, and an information center out of city hall.

Very early, the council that I had working in the Brigton area assessed rumor control as one of the top priorities, not only for the area, but for the entire city.

I had been working closely with the Department of Justice CRS [Community Relations Service] service for the past 2-1/2 years, and through them, I brought a consultant—I believe his name was Arthur Palts from the Washington office—to assist us in assessing the situation and in coming to some recommendations. His report was forwarded to not only the school department personnel, but also the city personnel.

My role expanded considerably last September, particularly when we hired—I believe it was between 700 and 800 paraprofessionals.

Many of these peoples, aides and bus monitors, were people who had never been inside a school building, or who had not been inside a school building for many years. In terms of providing very quick assistance for helping those people in their roles in what was expected of them, I helped to develop very brief orientations for the bus monitors and also for transitional aides.

I did this in cooperation with the school department's department of safety and our human relations section.

Mr. Alexander. The 700 to 800 persons that were hired, what were the dates of those hirings?

Ms. Foley. I believe it was the last 2 weeks in August.

Mr. Alexander. Did you have any specified criteria for who could serve?

Ms. Foley. I was not involved in the actual hiring of these personnel.

Mr. Alexander. Who did that?

Ms. Foley. This was done—the department of safety, to my knowledge, supervised the hiring of the bus monitors. However, the actual hiring was done through the local principal.

We had a lot of support from the media in terms of dissemination. You couldn't turn on your radio any morning without hearing, "Anyone who would like to become a transitional aide or bus monitor, please report to your local school."

Some of our high schools received many, many responses, far too many. In other high schools, we were not so fortunate. It became a situation where we asked people specifically, people we thought could do a job well, to go into these schools.

Mr. Alexander. Where were you having problems obtaining transitional aides or bus monitors?

Ms. Foley. There was some resistance in terms of specific areas of the city, because it was felt that in a way, if you became a transitional aide or a bus monitor, you would in effect then be going along with the busing order, and if you were an antibuser, this was discouraged.

It was very, very difficult times in terms of our professional staff, in terms of gearing up, in terms of setting student assignments. And also it was very difficult times in terms of paraprofessionals. Many of these people wanted sincerely to do the best job that they could, and I really feel as though we should have provided them with perhaps more training. Because of money and time, this was not possible.

Mr. Alexander. Briefly describe just specifically what was the training that you did provide.

Ms. Foley. It was very simple. For example, in terms of bus monitors, bus monitors received a three-page document which advised them of such crisis things as always carry dimes in your pocket, try to get telephone numbers of all the students on your bus. There were 10 rules we asked them to make sure the students obeyed, and reasons for the rules. And there was also sessions done with the department of safety where we had a bus come, we had bus monitors actually get on the bus, showed them how to stop the bus and pointed out various safety features. Again, many of these people had not been on school buses per se.

In October, we ran a followup session to this on a Saturday at Dorchester High School for all those monitors and aides that had been hired in the interim between the opening of school and that date in mid-October.

It was in mid-October that, again, my role expanded with the court order of Judge Garrity that mandated the school system to set up biracial councils in every school having 10 or more white or black students, or 60 or more Spanish-speaking or Asian American students.

Mr. Alexander. What specifically was your role with the councils?

Ms. Foley. My role was to make sure that the elections were held according to the court order, to make sure that parents understood the basic philosophy behind what was meant by a biracial council, and the kinds of authorities that biracial councils could have.

Mr. Alexander. What were biracial councils supposed to accomplish?

Ms. Foley. Biracial councils were means of opening dialogue between parents who had students in given schools. It gave students an opportunity to disseminate information about their schools. It gave parents, I believe, the opportunity to learn more about what was actually happening in a school.

Mr. Alexander. How successful were you in setting up those councils?

Ms. Foley. In some areas I was very unsuccessful. In some areas I was successful. It depended on the area of the city. We did have problems. There were some areas where there was an organized effort to discourage parents from becoming members of biracial councils because it was felt that biracial councils meant that parents were probusing.

We went on a large media campaign, and we explained that a biracial council meant the opening of dialogue between parents. And we have parents on councils who are for, against, neutral, on the actual desegregation order.

It was a very difficult situation, because school had already started. It was the beginning of November, just before the holidays, that these elections really began to go into effect, and I feel that—I have to say that there are many parents—in fact, there was a citywide council that was set up where parents have put in hundreds and hundreds of volunteer hours.

The citywide council which met for the first time in December, has met 22 times since, and will be meeting again Wednesday night. Those parents just deserve a tremendous amount of credit.

Mr. Alexander. What kinds of roles have they played? What in fact have they been able to do in individual school situations or community situations?

Ms. **Foley**. Okay. One of the first things that the councils looked at was clarifying the order itself. There were certain sections they felt they would like to judge to specify, to help them and also to help school administrators understand the role of the councils.

For example, it was through a letter from the citywide biracial council that the judge responded to the phrase that the councils could obtain information from school officials.

And this was made more specific by the fact that councils can receive all the suspension data and statistics that are compiled monthly in terms of black, white, male, female, the offense, and the resolution of the case. And also, the superintendent followed that up by saying that councils can also receive a special copy of a report that he instituted in January, called an "Incident Report Form," that is a much more detailed description of specific incidents.

The only sort of stipulation on that was that the student's name had to be deleted, because he didn't want to get into invasion of student rights.

Mr. **Alexander**. In terms of Phase II, what types of plans are being made for training of bus monitors in terms for the liaison persons, in terms of these citizens' biracial councils; what kind of funding have you sought, what kind of program proposals have you made to sort of cure some of the problems that you have identified?

Ms. **Foley**. In terms of seeking funding, as soon as I read the court order in October, I realized that we needed specific support to help us really implement that order. And accordingly, in the ESAA proposal, the CPI component, crisis prevention and intervention component that I was writing—I immediately stopped writing and began to develop some new objectives that would provide specific training for these councils; training in such things as negotiation, how to get along with each other, even how to disseminate information to other parents.

An example of this has been that several biracial councils, students and parents, have developed newsletters and mailed them to their constituency. There also has been a citywide newsletter that has gone to approximately 80,000 parents that was developed by the citywide biracial council.

Currently we are in the process of developing another proposal. The funding runs out June 30. And in the CPI component to ESAA again, we will be providing not only for training for the individual councils, not only for dissemination, but also for a person, a community coordinator, who will be available to work with each district council.

The judge has created a new "layer," so to speak, of councils. And this will be a district council that will have a membership of approximately 20, 8 of whom will be representative of community agencies in that given district, 10 parents and 2 students.

And in order to lend support to that group and to help the local biracial councils in the area, we are requesting one community coordinator for each of these. We are continuing to request assistance in terms of training of the bus monitors.

We are adding this year, in this grant, two new components or two new objectives, and one is one that will address substance abuse. Specifically since the bus has become actually an extension of the classroom, we really feel as though we have to lend support and assistance to students who find themselves in situations that they might not find themselves in concerning substance abuse.

The other new objective concerns police. And I know that there were several references earlier to the kind of interaction that people wanted between the various police departments and school personnel.

Under this objective—and hopefully we will get it funded—there will be the opportunity for State police, Boston police, MDC police, to meet with in the month of August school personnel, actually line personnel by district.

We had situations this year where a policeman and a teacher suddenly met for the first time in a corridor in a crisis situation. And clearly, in terms of understanding intervention policies or developing intervention strategies, understanding the role of the policeman in the corridor, understanding the role of the teacher versus assistant principal in terms of discipline, we felt that work such as this could be done previous to the school opening.

And I also provided, I believe, for a very small team, one teacher, one member of each police, to work together this summer and develop audio-visual video materials that would assist both police and school personnel.

MR. ALEXANDER. No further questions at this time, Mr. Chairman.

CHAIRMAN FLEMMING. Commissioner Ruiz.

COMMISSIONER RUIZ. What is a middle-level school?

MS. FOLEY. The middle schools are grades six, seven, and eight.

COMMISSIONER RUIZ. I visited a middle school in Jamaica Plains recently and became aware of a cloister of classes for bilingual students within the school curriculum. I was very much impressed by what I saw and what I heard.

Is there any specific division within the middle schools, department in charge of implementing the transition and integration into the school's general educational programs to better prepare the Puerto Rican or other minority segments for a high school education?

MS. FOLEY. In terms of bilingual education, you have me at a disadvantage, but I will say that in the new grant under ESAA, there were several bilingual subcomponents dealing specifically, I know, in terms of assisting even nonbilingual teachers to better understand the cultural background and to develop cultural awareness specifically in terms of Puerto Rican students.

COMMISSIONER RUIZ. With relation to these bilingual components, are you going to have some sort of a division within the department to focus in on that?

Perhaps Mr. Coakley can answer that, I don't know.

Mr. Coakley. There is a bilingual education department which supports the program in the schools and indeed directs the program in the schools. A Mrs. Carmen Nicholas is the director of the department and has a fairly sizable number of persons working with her.

Commissioner Ruiz. Is that under your supervision, general supervision?

Mr. Coakley. No, it is not. It is a department under the supervision of the superintendent.

Commissioner Ruiz. I will direct the following questioning to both of you.

First, Mr. Coakley. Do you feel that bilingual transition into the predominant learning language of English constitutes a significant step forward in planning for the higher educational needs of ethnic minorities into the higher educational fabric?

Mr. Coakley. My answer is yes. I don't know that I feel confident enough to elaborate on that yet, but the yes is a strong yes.

Commissioner Ruiz. And would your position be the same, Ms. Foley?

Ms. Foley. I would agree.

Commissioner Ruiz. Thank you very much.

Chairman Flemming. Commissioner Saltzman.

Commissioner Saltzman. Mr. Coakley, there apparently were delays in some schools in pupil assignments and schedules. Did this intensify the problems of Phase I?

Mr. Coakley. It created very, very serious problems in Phase I, and it created those problems at the high school level where difficulties are potentially greater anyway.

Commissioner Saltzman. Will Phase II attempt to avoid that kind of a situation, or is there enough time? What do you predict in relationship to that area?

Mr. Coakley. Let me say this, that Phase II is a far more complex plan than Phase I, and is being implemented later than Phase I was. Those two concerns may be offset somewhat by our experiences in Phase I, but I am very apprehensive about our ability to tie all the loose ends together before school opens in September.

Commissioner Saltzman. And do you think it is crucial to school opening in September?

Mr. Coakley. It is vital to school openings, and that is especially true, I repeat again, at the high school level.

Commissioner Saltzman. Is there a relative difference, Mr. Coakley, in the attitudes towards education from one area of the city to another?

Mr. Coakley. I find that a very difficult question to answer. I guess my belief is that all parents across the city subscribe to the importance of education for their children. I think it varies in different families and possibly in different communities relative to the length of need of education.

Commissioner Saltzman. That's precisely what I'm getting at. In some school areas the dropout rate is higher than in others, and is that accountable by reason of the fact that there are different levels of commitment to education in varying communities?

Mr. Coakley. I think there probably is, sir. Again, I indicate that in some areas of the city the 12th grade is not a terminal grade in the minds of the parents and probably in the minds of youngsters. In other areas of the city there may be a more sizable number of parents who view 12th grade as a terminal point in education. If I can go back to the past when I was actually in classrooms, I think that view of high school being the terminal point might have a bearing on the fact that some students don't even make the 12th grade.

Commissioner Saltzman. Is there a correlation, perhaps, between that school area where 12th grade is seen as terminal and the problems related to the desegregation effort, or is there no significance to that attitude?

Mr. Coakley. I think the view might be if it were simplistic, that there is a relationship, but I think a more closer examination of the case might prove quite different.

What I guess I am saying is that in some areas of the city, and maybe our city in that sense is not different from others, the opposition to desegregation is a more obvious one, a more visceral one.

In other areas, and some of those areas may be areas where college education is viewed as a goal, the opposition is less verbal and visceral, but takes the form of departure from the school system.

Commissioner Saltzman. Ms. Foley, is there any effort to undertake communication or dialogue to deal with the antibusing organizations relative to maintaining the peace and well-being of the community under Phase II?

Ms. Foley. Well, an example might be that right now we are disseminating information to all community agencies describing when and how will it take place—the new biracial council elections.

We have been advised to have these elections assignments go out and before July 4. We are inviting all parents to take part, no matter what their views might be. We are trying to stress to parents that biracial councils are a way of communicating. And they are a way of communicating not only among parents at a given school, but also among parents in other schools within a district, and also directly to the court. I think it is important that parents realize that it is a tremendous opportunity for all the parents and that is what we are right now in the process of trying to make clear.

It has been difficult in the past. Last fall we weren't too successful in getting this point across.

Commissioner Saltzman. In the structuring of these various councils and efforts which ultimately mean greater parent involvement with the schools, do you see benefits attaching to the quality of education in general, as a result of this?

Ms. Foley. Absolutely. And I think parents, in terms of the kind of recommendations—we have had some councils that have become tremendously supportive not only to the paraprofessional and professional staff, but also to administration. Councils have staged multiethnic affairs; they have really become involved in the fabric of the school.

Commissioner Saltzman. So despite the tensions of this past year or so, there are very real benefits accruing to this period of time.

Ms. Foley. Let me say that in terms of the biracial councils—we have had some councils that are absolutely outstanding; we have had other councils that we have barely been able to get off the ground for a variety of reasons; we have had whole councils resign; we have just had about everything you could possibly imagine that could happen to a council, happen.

I shouldn't say that because I will probably go back and something will have happened today. But believe me, the councils that have taken a positive attitude in terms of support, have done a tremendous job.

Commissioner Saltzman. Do you have responsibility for student behavior and problems in the area of suspensions?

Ms. Foley. No, but I have been helpful in terms of facilitating the parent involvement in terms of—for example, Boston right now is reviewing the code of discipline. The superintendent has had a special committee working on it for the past 6 months, and we have two parents from the citywide biracial council who are on that committee and have become very, very involved with the process. Therefore they can bring that information back to other parents and also have input in terms of superintendent and administration level.

Commissioner Saltzman. Mr. Jones of the mayor's human rights office has indicated a feeling to us that the suspension of black students was often unwarranted. Are you able to evaluate or inform us about suspensions which apparently affected more black than white students?

Ms. Foley. In terms of suspension of black and white students, the only input or the information I have received, is specifically from biracial councils that want the information, are the data and statistics from a specific principal.

Some of the councils have tried, you know, following up, investigating. It has just been the allegations and the suggestion of just exactly what you said that has prompted the superintendent to appoint this committee to review not only the present code of discipline, but also the whole implementation process.

And it seems to me that they met, I guess it was Mother's Day, that whole weekend. I believe they will be coming out with their recommendations definitely before the beginning of this school year.

Mr. Coakley. Mr. Saltzman, I would trust that some school teachers, principals both white and black, might have an opportunity in the days ahead to respond to the point of view of Mr. Jones this morning on the issue of suspensions.

Ms. Foley. Positively.

Commissioner Saltzman. Thank you.

Chairman Flemming. Commissioner Freeman?

Commissioner Freeman. Mr. Coakley, I would like to ask you, concerning the preparation of the student application handbook, and with respect to the returned applications. How many do you have? What is the process of the assignment? And when does it begin?

Mr. Coakley. We think—because we really didn't have time to do the counting and we were somewhat dependent on the estimates of the Postal Service—we think we received approximately 55,000 forms as of last Tuesday afternoon, or whatever point, at any rate, the judge called off the return process.

Those forms were examined and there were several thousand duplicates in that 55,000, I might add, and have been initially processed, and this weekend the completion of the processing effort by the computer firms is taking place.

We expect, therefore, tomorrow or Wednesday, to have computer printouts which will tell us whether, indeed, that figure is 55,000; how many children or their parents opted for magnet schools and so forth and so on.

It is our intent, if we are still on schedule on Tuesday or Wednesday, to begin the rather complex process of—with the assistance of the computer—of first assigning children to the magnet schools, and then moving on to the district assignments, the eight community district assignments.

Commissioner Freeman. Will the assignments be made by the computer?

Mr. Coakley. I think it is an oversimplification for me to say the assignments will be made by the computer. I think what I would say is, we are endeavoring to use the computer to be as objective and admittedly impersonal, but as impartial as possible. But I think there will be considerable analysis in between the various computerized assignments.

Commissioner Freeman. What classification or what titles are held by the people who program the computers?

Mr. Coakley. We have a data processing center in the school system, and that center is staffed by computer experts—if you will—systems analysts and programmers, as well as, of course, computer operators and keypunch personnel. But the director and his system people have been meeting regularly with a number of the staff that are associated with people such as myself to work out the process for making student assignments during the course of this week and if necessary, I suppose, beyond.

Commissioner Freeman. Well I just wondered about this. Are you saying that there will be the human touch in connection with the assignment by the data processing organization?

Mr. Coakley. I would say there has to be the human touch, yes.

Commissioner Freeman. Thank you.

Chairman Flemming. Commissioner Horn?

Commissioner Horn. First, Mr. Chairman, I would like to have an exhibit prepared by the Boston School Department in pursuit of Commissioner Freeman's question, which puts in the record the summary of your experience on these applications; how many forms were received, etc. I think that would help clarify the matter, and the record will be open long enough for that.

Chairman Flemming. Without objection, that will be done.

Commissioner Horn. All right.

Chairman Flemming. Do you see any problem in providing us with that? Just a summary for our record. We recognize that you can't do it today.

Commissioner Horn. No, no, this would be in the next few weeks.

Mr. Coakley. I think it would be within the next few days.

Commissioner Horn. Now Mr. Coakley, this morning Superintendent Leary mentioned that the State legislature controls most of the money that pertains to the repairs of Boston schools. You have mentioned that the Governor and the legislature last year gave signals concerning possible appeal of the Racial Imbalance Act that affected the carrying out of desegregation in the city of Boston.

We have a unique situation where a State capitol and its government are located in the major city in the Commonwealth of Massachusetts.

What other broad areas of actions by State agencies occur that affect the capacity of the Boston School Department to carry out desegregation? We have got special repairs; we have got the politics of it and so forth. What else is there that they control you on?

Mr. Coakley. Reimbursement relative to school transportation. And as I believe the superintendent must have indicated, reimbursement relative to a number of areas of school life. Most particularly relative to special needs and vocational education.

I think in a broader sense, I believe, the State was quite slow in getting involved in the public security aspect of Phase I, although there seems to be considerable evidence now that I am not personally familiar with. but there does seem to be evidence that that is not the case currently relative to Phase II.

Commissioner Horn. How about the location of high schools in the city of Boston? Does the State have any role in that determination?

Mr. Coakley. The school building assistance bureau of the State department of education must sign off on all new school sites But I might also add that the school department's role in site selection is not as significant as you might think; That indeed the public facilities department, which comes under the mayor of the city of Boston, has a more important role in determining where new schools will be located and when they will be constructed. Although again, they are subject to funding approval by the SBAB, the school building assistance bureau.

Commissioner Horn. Let me give you an example.

My understanding is that the population growth in Boston is primarily in South Boston and Dorchester. And yet, recently, a Jamaica Plain High School was authorized, where there is less population growth.

Am I misinformed on that, or is that correct?

MR. COAKLEY. I don't have statistics in front of me.

I find it most difficult to believe that there are school population increases in South Boston or in Dorchester; and indeed areas of the city which did have school-age increases have tapered off considerably.

I would go so far, however, as to state my personal view that most of the high schools that are being planned for this city are being planned on the western side of the city, when indeed, most of the high school population is on the eastern side of the city.

COMMISSIONER HORN. Well, whose decision is it to place a high school in the city of Boston? Is it the State board of education?

MR. COAKLEY. On a practical basis it is the result of the public facilities department at city hall and the State department of education.

COMMISSIONER HORN. In other words, the Boston School Committee has very little to say as to where a high school is to be placed in the city of Boston. It is really the political administration of the city of Boston, and the State educational establishment?

MR. COAKLEY. That is my view.

COMMISSIONER HORN. All right. My last question to you, Mr. Coakley, would be, you have been a member of the Boston School Department since 1951, and I wonder, in your judgment, given the fact that a court desegregation order must be made to carry out the Constitution and the law of the land, based on your knowledge of how a school system works, is there an optimum time of year when a court desegregation order should be issued? And if so, what is that month based on all the planning, applications, and other administrative processes that must be carried out?

MR. COAKLEY. I think it should be no later than February 15 of a given year. And the plan that was developed by my colleagues and myself on December 16 suggested a timetable which accepted, if you will, February 15 as a realistic time, we thought, in which a court might react to our plan, modify it somewhat, and order it into implemention.

COMMISSIONER HORN. When did the court issue Phase I?

MR. COAKLEY. Well, the first order to go ahead with Phase I as I recall it, would be in November or December—no, let me put it this—yes, the court—November or December of 1973.

However, there was a modification period allowed. And so my recollection is March 26, 1974, was the date that the supreme judicial court ordered us into implementation.

But I must stress that that was—in addition to not being a good plan in the opinion of many of us, it was a fairly simple plan technically to implement.

This particular plan is an extremely sophisticated and complex plan to implement.

Commissioner Horn. And Phase II was issued when?

Mr. Coakley. May 10, 1975.

Commissioner Horn. Mrs. Foley, you mentioned that a priority of your group was rumor control. In carrying out your efforts to defuse and correct misinformation passed during Boston school desegregation, how many of these rumors, in your judgment were either perpetrated or perpetuated by the national media when they covered the Boston school desegregation?

Ms. Foley. I would hesitate to make any kind of a percentage guess. I will say that in terms of the information center that was operating out of city hall, it did prove in terms of the opening days of school, a tremendous amount of parents did call in there, which is a very good sign to start off with, that they were seeking the correct information.

We had situations where it took us 3 and 4 days to track down one specific rumor. And this is with everyone working on it; the police, the information center itself, and community agencies in many cases were helpful to us because certainly—I remember one specific instance where a rumor sort of was resurrected three times in 1 month, just changed a little bit. It was very, very difficult to understand whether it was one story or whether it was three or four separate incidents.

I think that the experience that has been gained with Phase I will be of definite assistance to us in terms of Phase II. But remembering again, as Mr. Coakley has said, that the complexity of Phase II plan is certainly much greater than Phase I and more sections of the city is to be involved.

Commissioner Horn. Mr. Coakley?

Mr. Coakley. Mr. Horn, I was in charge of the school department component of the school information center located at city hall and was there through September and October of 1974. And while I would concur with previous speakers' comments about the relationship of the national media to the local media, I would find it most difficult to attribute any rumor development to the national media, or for that matter, to the local media.

Commissioner Horn. In other words, you found they checked with you and tried to track down rumors that they had heard?

Mr. Coakley. Yes, and I believe the earlier comments were relative to the sensationalism of the—

Commissioner Horn. That is right. This is a different issue, really.

Mr. Coakley. Yes. But I would find it difficult where I was located, to relate rumors to the media, national or otherwise.

Ms. Foley. In terms of local media, too, I think I would be remiss if I didn't say that during the 2- and 3-week period that we tried to establish the biracial councils, we received a tremendous amount of support from the local media in terms of helping us get out the accurate information on these councils.

Commissioner Horn. Thank you.

Mr. Coakley. Could I just add, our experience with the media has been most positive throughout this endeavor; and most recently in getting information about the brochure and applications process, there wasn't the slightest bit of difficulty—in fact, that would be an understatement—relative to the written-in media, and TV and radio stations in the area.

Chairman Flemming. Both of you undoubtedly appreciate, as a result of the questioning, that the Commission is very much interested in the planning for Phase II, because we feel it significant, not only as far as Boston is concerned, but it is significant as far as the Nation is concerned.

As both of you look at the picture as it is at the present moment, what would you identify as the most serious gaps in the current planning?

I put that in plural. If you can answer singular—and I am really addressing it to both of you, and you can respond just very briefly. I mean, just to identify the area.

Ms. Foley. I guess my biggest concern is again, the tremendous time lines we are under. It is going to be incredible in terms of getting parents information. I see that as a gap. If someone didn't realize what we have to do in the time we have to do it.

Chairman Flemming. Well, on that particular point, I mean, the time factor is a fact of life, you can't change it.

Now, assuming the current time factor which can't be changed, what is the most serious gap in the planning, or gaps, in the planning for the implementation of Phase II—

Mr. Coakley. I would say—

Chairman Flemming. —on the part of any level of government or on the part of the community?

Mr. Coakley. I would say there is a need for total and coordinated efforts by school department, by city government, and by the appropriate parts of State government. That should be done on a crash basis.

And ironically, in this period of fiscal austerity, if there is to be any hope for September, probably has to be done on a "damn the cost" factor. Although again, damn the cost usually means damn the cost to the city and State, but it doesn't mean that relative to Federal Government.

Chairman Flemming. Do you feel that as of the present time, that type of a coordinating effort is not taking place?

Mr. Coakley. Not with the totality that I feel is necessary.

Chairman Flemming. That is right, and I understood your response.

Mr. Coakley. I would feel that I must take the opportunity to add one other point.

Chairman Flemming. Right.

Mr. Coakley. That I feel great pessimism about our city, and I think that you should consider it relative to other cities in this country, if something isn't done to address the fact that a comparatively small percentage of a population in an area is asked to carry out the 14th amendment, or the Civil Rights Act; that I think the long-range chance of school integration, aside from the short-range aspects of school desegregation, are not hopeful as long as this issue is restricted to cities in this country.

CHAIRMAN FLEMMING. Well, again I would like to stress that my question was addressed to the situation in accordance with the facts as now confront us.

There is a court order that is identified as Phase II, a court order which has to be implemented. The time factor has been indicated as obviously a very important factor.

But considering the existence of the court order, considering the time factor, you believe that the most serious gap at the present time is lack of coordination of efforts on the part of the units of government that you identified in your response to my earlier question.

MR. COAKLEY. And I feel it strongly.

CHAIRMAN FLEMMING. Thank you very, very much. Yes.

Would you like—

MS. FOLEY. I also feel that, you know, besides the time lines we mentioned, that in conjunction with Mr. Coakley's comment on coordinated services, well clearly, it is very difficult to begin to develop a schedule of framework because parents don't know where their children are going yet and won't, possibly for another, you know, 2 weeks. We are lacking the basic factual information to help us get this moving.

I also do feel though, and I feel as though I would be remiss in not saying it, that I feel there is a gap in terms of the involvement—and I mean real involvement—of school personnel who have had experiences in the schools for the past 20, 25 years, in terms of more parental involvement. I really feel very strongly about that even in the design, the design of some sections of the order itself.

CHAIRMAN FLEMMING. Thank you very much.

We appreciate very, very much the testimony that you have offered, growing out of your very intense experiences in connection with Phase I, and also with your very deep involvement with preparation for Phase II.

Counsel will call the next witnesses, please.

MR. STOCKS. Ellen Jackson, Gloria Joyner, Percy Wilson, Elma Lewis, and Patrick [illegible]s.

CHAIRMAN FLEMMING. I will ask the witnesses if they would please stand for just a moment, and if you will raise your right hands.

[Whereupon, Ellen Jackson, Gloria Joyner, Percy Wilson, Elma Lewis, and Patrick Jones were sworn by Chairman Flemming.]

TESTIMONY OF ELLEN JACKSON, DIRECTOR, INSTITUTE OF SCHOOLS AND EDUCATION, FREEDOM HOUSE; PATRICK JONES, EXECUTIVE DIRECTOR, LENA PARK COMMUNITY DEVELOPMENT CENTER; PERCY WILSON, EXECUTIVE DIRECTOR, ROXBURY MULTI-SERVICE CENTER; GLORIA JOYNER, DIRECTOR, TASK FORCE ON EDUCATION; AND ELMA LEWIS, DIRECTOR, ELMA LEWIS SCHOOL OF FINE ARTS AND NATIONAL CENTER OF AFRO-AMERICAN ARTS

Chairman Flemming. Thank you very much. Counsel?

Mr. Stocks. Since this is a large panel, we are going to try and do it one at a time, and then come back to the panel.

We will start with the first one. Ellen Jackson, would you please state your name, address, occupation, and the number of years you have been in Boston, for the record, please?

Ms. Jackson. My name is Ellen Jackson. I live at 27 Brookledge Street in Roxbury. I am director of the Freedom House Institute on Schools and Education, and I have lived in Boston all my life.

Mr. Stocks. Would you tell me to what extent does your organization participate in the desegregation process in Phase I?

Ms. Jackson. The institute was instrumental in setting up a rumor control and information center, which was directly hooked in to the Boston School Department, and to also to the information center located in city hall.

The responsibility was to disseminate information as it was received, or, also to track down alleged rumors that were either happening within our own area—that is the Roxbury, North Dorchester area—or wherever black children were going into receiving schools outside of Roxbury.

It was a 15-phone hookup with various agencies, many agencies within the community volunteering their staff, personnel, to help man those phones. Also hooked into that was the Boston Police Department with two staff members located at the Freedom House. This service was offered throughout the crisis period and on an ad hoc basis the rest of the school year.

Mr. Stocks. Could you tell us what precipitated your organization undertaking these activities?

Ms. Jackson. All through the summer prior to school opening we were receiving a lot of rumors. And in fact, we became very concerned about those rumors of the kind of violence and the kind of reception that many children would be receiving once they moved into new schools.

We attempted to see if we could set up a system whereby we would be able to track those rumors down, and also to assure the parents would know where their children were, and also how their children were faring in these new districts. So basically it was because of rumors of violence for September.

Mr. Stocks. Were you aware of any city activities, or activities undertaken by the school department to provide services to alleviate concerns about rumors, or to do some of the things your organization did?

Ms. Jackson. It wasn't until after, actually, the community agencies at large decided to set up their own system that we found out that the school department and city hall was going to also have this kind of system set up.

But it wasn't until after that we had really, frankly, requested this kind of communication hookup with city hall and with the school department.

Mr. Stocks. What would you say, in your opinion, is the general attitude of the black community that you work with towards school desegregation in Boston?

Ms. Jackson. I would say it is very positive. And I think that everyone has committed themselves in the black community for the safety of children and to at least give it a chance.

Mr. Stocks. What, in your opinion, were the significant factors that led to a negative and violent response to school desegregation in some parts of Boston?

Ms. Jackson. The lack of leadership within that part of Boston, and by the lack of leadership in Boston proper in terms of elected officials, in terms of business people, in terms of those who would have and should have been supporting the order, and also encouraging people to do what the order demanded of us.

Mr. Stocks. Let me ask—I will come back to you—the Commissioners will be coming back to you.

Elma Lewis, would you please state your name, address, occupation, and the number of years you have been in Boston.

Ms. Lewis. My name is Elma Lewis. My address is 15 Homestead Street in Roxbury. I am the founder-director of the Elma Lewis School of Fine Arts, which is a part of the National Center of Afro-American Artists. I have lived in Boston 53 years, which is my lifespan.

Mr. Stocks. Do you operate or direct an organization in Boston?

Ms. Lewis. The Elma Lewis School of Fine Arts.

Mr. Stocks. Did your organization participate in desegregation at all in Phase I?

Ms. Lewis. It did on a voluntary basis.

Mr. Stocks. Would you tell us what your organization did, specifically?

Ms. Lewis. Well, our primary purpose is the teaching of children in—specifically in the arts. When one teaches children, one has a very intimate relationship with families.

We were, therefore, since last spring, involved in the concerns of our community, the black community, about the desegregation which would take place in the fall. Starting in the spring with our own children and their families, which numbered some 400 children and families, we tried to establish attitudes which would allow the children to survive in what we assumed would be a hostile environment.

As fall approached, a group of people was giving some benefit concerts for us, which drew crowds of 30,000 people. We tried to propagandize those people to allow desegregation to proceed peaceably, and as Mrs. Jackson said, to give it a chance.

After the start of school—just before the start of school, we participated with the Freedom House Institute in monitoring sites where children would be arriving in buses, hoping to reduce tension.

We also conducted workshops for children on Friday evenings; I should say students, because largely these were middle school and high school students, to sort of allay their fears, give them tools for dealing with the hostile attitudes they might meet.

We further than that responded whenever requested by providing our premises, etc., to any groups of parents and students who thought they needed resolutions to problems as they arose.

Finally, when there was some tension in school, and school had to be dismissed at Hyde Park High School, we did sit with students—we invited the students to come to our schools the next morning, instead of going to public school, and succeeded in sending a group of youngsters out as a negotiating team, who had arrived as hostile, possible mob participants.

I, therefore, think that it is entirely possible all over the city, with proper leadership, to do that with students of all races.

Mr. Stocks. Your organization spent some time counseling students and making your facilities available. What would you say were some of the major concerns of the students in regard to school desegregation?

Ms. Lewis. Well, I think that the youngsters were surprised to find out how physically unsafe they were, and how there wasn't any opportunity for the conduct of classroom activity in the schools which received them, because there wasn't any ability, perhaps, or willingness—I am not sure which—to control the population of the community which received them.

It, therefore, took a great deal of effort to explain to these young people who were asked to leave a community school in which they were comfortable, it took a great deal of effort to resolve some of their natural hostilities and to get them to sit peaceably when they were being acted against.

Mr. Stocks. Would you—what would you say were the underlying reasons why school desegregation was accepted in the black community?

Ms. Lewis. Well, I happen to believe that black people place more emphasis on education than almost anybody in America. We have found out that that is our only hope. And since the beginning—well even in slavery, black people risked their lives to learn to read and write. And since then, in the earlier days of the South, risked lynching to go to school and now we send our children into potential death so that they can, in fact, get an education.

I think the average black parent will do just about anything to give his child a chance to do what the old spiritual tells us, "Move on up a little higher."

Mr. Stocks. Based on your experience, what suggestions would you make that might avoid a repetition of the experience that occurred in Phase I?

Ms. Lewis. To me it is very simple. I don't understand why there is any problem. We have all kinds of laws on the books. They are enforced against us. If they were enforced in favor of us, there wouldn't be any problem.

I see, for instance, that if a child is not to be truant, we have a sufficient number of truant officers we are paying in Boston, that the children shouldn't be truant.

I think, for instance, on the first evening of school, a great number of black parents came to Freedom House very angrily because their children had been physically attacked. And the mayor told us that night that as of the next day, no more than three people would be allowed to congregate anywhere. Yet the next day I saw a thousand people.

Now, if the orders were enforced, I don't see where there would be any problem. If everybody would sit down and shut up, we might get on with it.

Mr. Stocks. Okay. Thank you very much.

Mr. Wilson, would you state your name, address, and occupation for the record.

Mr. Wilson. My name is Percy Wilson. I live at 40 Schuyler Street in Roxbury. I am the executive director of the Roxbury Multi-Service Center.

Mr. Stocks. Would you tell us briefly what the Roxbury Multi-Service Center is?

Mr. Wilson. I don't know if I can do that briefly, but I will try. The Multi-Service Center is an agency, social human service agencies, concentrating on bringing to bear a variety of dissidents to address many of the problems in that particular service area.

Mr. Stocks. Did your organization play any role in desegregation in your community in Phase I?

Mr. Wilson. Yes. We participated in several areas. One was working in conjunction with the Freedom House and the Lena Park, and several other agencies in the community as well as the Elma Lewis School and the Coalition Task Force on Education. It is putting together an external security system in and around—

Mr. Stocks. Would you describe that external security system for us?

Mr. Wilson. Yes. This was a system which was established, manned with volunteer manpower in and around the volatile areas along bus routes. And that included areas such as Codman Square, Andrews Station, Dudley Station, and in other areas within the community.

Mr. Stocks. Approximately how many volunteers did you have?

Mr. Wilson. Approximately, from time to time, 100, 150 volunteers.

Mr. Stocks. Where did you get the volunteers?

Mr. Wilson. Well, they came from a variety of people who just sort of came forth to volunteer themselves out of their own interests, and from other organizations such as the church organization, fraternities, sororities, and other professional groups within the community.

Mr. Stocks. These were people from the black community?

Mr. Wilson. Predominantly yes. There were, however, some representation from white communities present, in the presence of ministers and priests.

Mr. Stocks. What, specifically, were the volunteers able to accomplish, in your opinion.

Mr. Wilson. Well, we operated what we call sidewalk sensitivity. One, in the black community of trying to help the black community, specifically black student, put in perspective what the judge's order was all about, and the relationship of that order to the longevity of the black community.

In the white communities, one of the things we did was to try and have a presence here in those hostile communities, to provide some sense of security and some sense of friendliness for kids who had to go into those hostile communities.

So, we had people who participated as monitors who rode buses, above and beyond the monitors who were made present by the Boston School Department, just to have some reinforcement factors available for children as they entered into these hostile and distressful experiences.

Mr. Stocks. Did your organization do anything else in the community?

Mr. Wilson. Well, one of the other things we did most certainly was to participate as a part of the several rescue teams.

Mr. Stocks. Would you describe that for us?

Mr. Wilson. Yes.

Well, one of the things that we concentrated on in our agency was working in the staging area, which was located at the Bayside Mall, which staged the buses to go up to South Boston High School.

On several occasions we had to participate in riding the buses to the schools to rescue children. Especially in those cases the police department had recognized the fact that it was almost impossible for them to control the crowd.

Now this was done in order to provide some sense of security again to families who felt that their children were cut off and trapped in those—in and around South Boston High School.

And then the other part of the process, of course, was to provide some supportive mechanisms for kids who had gone through those stressful experiences.

Mr. Stocks. Did you or your organization make any proposals to the city and to the school committee, to assist in implementing Phase I?

Mr. Wilson. Yes. But I think that what you have to do is have some appreciation for the general attitude of the Boston School Department and also the general attitude of the police department and the city generally. You have to also realize that these were the same organizations which have been found guilty by the judge of willfully and intentionally denying equal access to educational resources to black children.

However, we did, on several occasions, meet with them to negotiate with them to try and encourage them that it was their responsibility to enforce the order. And to do that to the maximum of their resources available.

Mr. Stocks. What disposition was made of the proposal you submitted?

Mr. Wilson. Well, let me just say that on each occasion we did most certainly have available to us an audience from the school department. And I would like to distinguish the school department in this case from the school committee and from the city government.

However, there were, and did appear to be some reluctance on the part of those departments to enforce the order; and to enforce it in the same spirit that they would have enforced it had it been the black community who were in opposition to the implementation of that thing.

I might say, however, that on several occasions we did make a request to the school department for some assistance for our effort through the 636 resources. For some reason, in some way, that proposal was lost in the system and has not yet been found.

Mr. Stocks. What, in your opinion, were the significant factors that led to the negative and violent response to school desegregation in Boston?

Mr. Wilson. Well, in my opinion, it was: one, the climate set by the President of the United States when he made his statement that he was not in favor of the order; two, the attitude and the statements made by our own mayor here, who on several occasions indicated that he was not necessarily in favor of the order, but on all occasions indicated that it was his responsibility to enforce the law; by the general attitude of the Boston School Committee, who immediately appealed the order and went into court. And then basically the general attitude of the general white community, and most certainly the press, who tended to make the black community appear to be grossly responsible for the implementation of the order and the order taking place, rather than putting in perspective the fact that the racial imbalance law which the State of Massachusetts had on its record for years had never been implemented. And that the city and the State government had done nothing to do that.

But rather, it made it appear that the white community would receive the hardship and the burden, and that the black community were again forcing upon these communities unnecessary evils.

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And I think that those things served to set the climate to have the general population feel that they could, in fact, resist implementation of the order, and did not have to take any responsibility for the implementation, and that they could, in fact, live above the law.

So I think that that, and coupled—most certainly I don't want to leave out the Boston City Council, which did everything it could to violate the order.

So as a result of that, there were no real commitments to providing what is right, and rightfully, constitutionally to black children.

Mr. Stocks. Thank you. Ms. Joyner, would you state your name, address, and occupation for the record.

Ms. Joyner. My name is Gloria Joyner. I live at 37 Gleason Street in Dorchester. I am the director of the Community Task Force on Education.

Mr. Stocks. Would you tell us what the Community Task Force on Education does?

Ms. Joyner. The Community Task Force on Education organizes parents and students around any issues that are relevant to education. And desegregation being one of the most crucial issues at this time, that has been our main thrust.

We have worked with parents and students since last year in the spring, bringing together black and white parents and students in a series of meetings prior to the opening of schools so that they might sit down together and discuss issues which was of common concern and interest to all and would not become a point of conflict such as, "If my child gets sick in school in the area other than which he resides, how would I get him home?" And this was the point that we brought parents together on.

It was our feeling that desegregation of schools did not begin and end at the schoolhouse door; that communities had to be involved in that desegregation effort.

Mr. Stocks. How did your organization come into being?

Ms. Joyner. In April of last year, the mayor called into a meeting, what he felt was the leadership of the black community.

Out of that meeting, we, ourselves, defined nine task forces to deal with separate issues, that we felt had gone lacking in our community. And one of those, of course, was education.

And because we were—education was so controversial at the time due to the desegregation order, we set up an office in August of last year, and began to deal with organizing and disseminating information from a base of operation.

But prior to that, as I stated, we had been having a series of meetings.

Mr. Stocks. Would you consider your organizational activities successful in bringing parents together about educational problems?

Ms. Joyner. Yes. We have brought parents together at a level where they were able to discuss things rationally. And there has been very little of this going on through this whole effort.

Our main concern was to try to develop some level of peace between the communities, black and white, who would be exchanging students. We did that successfully in Hyde Park, Mattapan, Dorchester, and in Roxbury and in parts of Dorchester who were exchanging students there.

We are expanding our efforts at this point and it is very interesting that once people get together and sit around a table and talk, they find out that they are all people and have things in common and cast aside some of the myths that have been created to perpetuate the chaotic conditions.

Mr. Stocks. Based on your experience, what would be your opinion of the general attitude of the black community towards school desegregation?

Ms. Joyner. The black community has accepted desegregation of the schools, number one, because it is a Federal order, and we attempt to obey the law at every step. Also, we see it as it being a mechanism to develop what is needed for all, and that is a better education which our children are not receiving at the present time, black or white.

We have attempted to remain peaceful and have done so beautifully. We have never had a case where a white student who has come into our community has been harrassed by black adults. There have been minor incidents between students, but those happen irregardless.

Mr. Stocks. Is your organization making plans for Phase II, and if so, what are they?

Ms. Joyner. Yes, we are. One of the things that we are attempting to do during the summer months is to promote interaction between the different parties that will be involved in desegregation. That is, school officials, community residents, parents, students, governmental officials. It seems as though everyone is working with either one or the other of those groups.

We will attempt to bring those groups together at some level and have the necessary interaction to begin with some solid foundation in September.

Mr. Stocks. Does your organization have staff persons in schools, and if so, what schools, and what do they do?

Ms. Joyner. We had staff people in Hyde Park High School who was participating in a program that was developed to bring black and white students together to promote activities.

We also had two social workers in Hyde Park High School who were running encounter sessions between black and white students, because we felt as though, that some of the things that really were causing the underlying tensions, were kind of swept under the rug. And to work in small groups and bring these out, might be a possible resolution to some of the more controversial issues that were involved in that school.

Mr. Stocks. Thank you.

Mr. Jones, would you state your name, address, and occupation for the record.

Mr. Jones. Patrick F. Jones, Jr., 427 Pond Street, Jamaica Plain; the executive director of the Lena Park Community Development Corporation, Dorchester.

Mr. Stocks. Would you tell us what the Lena Park Community Development Corporation is and does?

Mr. Jones. The Lena Park Community Development Corporation was started in 1968 by a group of community residents to provide a wide range of services to the residents of North Dorchester, including day care, after-school tutorial programs, recreation, as well as a community residence which houses eight people who are mildly retarded and have been returned from State institutions.

Mr. Stocks. Did your organization participate at all in the desegregation process in Phase I?

Mr. Jones. Yes, we did. In conjunction with the Freedom House Coalition, with the Elma Lewis School, and with the Task Force on Education.

Specifically we participated initially in the design and the development of the community protection plan which Mr. Wilson and others have alluded to. And that plan simply was an attempt to place volunteers in sensitive spots within the community so as to try to minimize trouble; the possibility of trouble occurring inside of the community with the tacit kind of understanding that if we did that, that perhaps people would have respect for our youngsters in their communities.

Mr. Stocks. Did your organization provide any services in the schools themselves in a particular community?

Mr. Jones. Yes. We were in Hyde Park High School, we were in the Roslindale High School, and the Washington Irving School. In those schools we provided counseling services; that is, working with some of the youngsters who were already members of our programs, and with whom we had had established relationship in terms of talking with them about the acceptance of the school desegregation order, and in terms of their being very cooperative as it related to the implementation of that particular order.

Mr. Stocks. What, in your opinion, are the underlying reasons for the acceptance of school desegregation in the black community?

Mr. Jones. I think it was just the super effort—and the responsible, the responsibleness of the black community in taking on and saying that we have a law, we have an order that is the law of the land, and we respect the law. And so in that respect we are going to move through peacefully in the implementation of this.

So that the black community did, in fact, take charge and instill those particular values, at least reinforce those particular values, so that even where there was disagreement with the law, there was a very healthy respect for the order as the law of this land.

Mr. Stocks. Would you say that some persons in the black community did not agree with the decision of the court?

Mr. Jones. Well, I can't say that there were some black people who did not disagree. I would just say that we, throughout our history, there have been efforts for community control of schools, and there was a balking at that particular effort. There have been, certainly, black people who would say that they are for quality education and that that education can come both inside the community as well as outside the community, but the bottom line was that there had to be a better system of education in Boston.

Chairman Flemming. We will turn now to the Commissioners for questioning. And I would like to recognize first, Commissioner Freeman.

Commissioner Freeman. One of you stated, and I am not sure which, that the mayor called a meeting of the leadership of the black community. I would like to know if he called a similar meeting of the leadership of the white community?

Ms. Joyner. I am not sure whether there were as many participants at a meeting with what could be determined the leadership of the white community.

But I do know that the mayor did have meetings with people who could be called leaders from the white community, yes.

Commissioner Freeman. Did I understand all of you to be saying that the burden for coalescing the opposition, as we are calling it, was placed on the black community?

Ms. Joyner. I think the black community necessarily had to bear the burden of desegregation, and to coordinate efforts of all to guarantee the safety of our students going into other areas.

But I would also like to add that not only did we attempt to guarantee the safety of black students, but in the black community we also guaranteed the safety of white students coming to our schools.

Commissioner Freeman. This—Mrs. Lewis, I would like to ask if you have—if you know of any school that was similar to what you are doing in the community, that was working in the South Boston, or in some of the other areas?

Ms. Lewis. No. In fact, I know that there was no such effort.

We proposed to the Boston School Committee—and it got lost much as Mr. Wilson's proposal got lost—that we would conduct a cultural program within the public schools, hoping to make all people feel better about themselves.

When I know myself, and then when I know something about you—and investigating where such a program might be conducted in communities other than the black communities, we found that very few people had provided bases for their children where proper activities could be conducted. There were only churches, there was nothing else.

There was not this wide range of institutions that we represent. And I would like to say we are only the tip of the iceberg, that our black community has so very many places to offer support to both the young people and their parents. But this doesn't exist. And perhaps that is a concentration that should be begun in places like Hyde Park, or South Boston, or East Boston, so that children can see correct activity coming from their adults.

Commissioner Freeman. Looking ahead to September, and remembering what you said, that the students were counseled with respect to accepting, and not striking back, how long do you think black children are going to accept this without striking back?

Ms. Lewis. I think they have stopped accepting it. And that that is a point to be well taken by all people.

Our children went to school for 3 weeks, I think, before the first incident, incidents of their retaliation occurred. And I was somewhat disappointed, I must say at this point that the press has been extremely friendly to me as an individual, but I was exceedingly disappointed at the great notoriety with which the first defense of themselves was received by the press, local and national.

It also seemed to me that it was a little bit sad that it was never noteworthy that the violence wasn't taking place within our community.

For instance, South Boston High was paired with Roxbury High. And whenever reported in the press it is called South Boston High. When an incident occurred, it was actually occurring physically in South Boston. But if you were reading the press, it might as well have been happening in Roxbury.

Roxbury High had a very dedicated staff as well as all of the community support. And that school was really the most creditable school—high school—in Boston during the last season.

Our children have become disenchanted. One of the most disenchanting experiences they had was the day that they were set upon in South Boston High and the police expressed an inability to bring them out safely and they got out only by luck, and all of us sat here with egg on our faces, because as some of the youngsters said to me, "You couldn't come and get us."

So if the police couldn't bring them out, the school authorities couldn't defend them, we were told that Federal intervention had to wait until some miraculous time when somebody was actually injured or died. And no one had any ability to protect the children.

Logically, what can we say to them if they then decide to protect themselves?

Commissioner Freeman. Well, we are going into September. What recommendations would you make based upon your experiences—and I direct this question to any of you to answer—to avoid a repetition of what would happen? And then maybe at least a shifting of the burden to equalize the burden?

Ms. Lewis. I think that no agency in the city of Boston should receive any kind of public funds—and I am using the word "public" not just in the sense of tax dollars, but foundation support, any other kind of support—if those agencies are unwilling to prepare their young people and their community residents at large, for support of American policy at home. Because that is actually what this is. And if, in fact, we were called upon when segregation was the law of the land, to abide by that law, and we were called upon to be law abiding, I think that all support money should go only to those people who are willing to be law abiding.

Those people who are not willing to be law abiding, those are some of the people we teach in the prisons.

Mr. Jones. I would like to address myself to that question, too.

As we go into September, I am convinced that the leadership—both the elected leadership as well as the business community leadership—must play a different role.

As I drove here today, it was very interesting to see the number of new buildings that were being constructed in this city. Somebody made some decision that this city was going to have a new lift, that the skyline was, in fact, going to be different.

Those same people have a responsibility in terms of the viability of this community, the educational and the social, a viability of this community to say and to help people who are law—in fact law abiding, to implement this particular order. And they need not hide behind the residence question, because they have not hidden behind the residence question as it related to building construction.

And so I don't see how they can use those kinds of contradictions when it comes to the matter of educating the youngsters of this particular city.

Ms. Joyner. I would like to make a specific response to that question, that I think that teachers' training should be mandatory. Human relations sessions should be run all over the city in schools.

I have seen a pitiful lack of sensitivity by white teachers who have never had to teach a black student before, do not know how to cope with them. And I think this only adds to our overwhelming number of suspensions of black students, because if you can't deal with the problem, the best way to do is to get rid of it. And by getting rid of it by suspension, you don't have to deal with it. So I think it is a vicious circle.

Another thing I would like to see is that if there is Federal money granted for the desegregation effort, that it be filtered directly down to the community agencies who are willing to deal with desegregation; and to combat what has been just an overwhelming amount of hostility in the city in an attempt to bring some peace.

I would not like to see it channeled through LEAs [Local Educational Agencies].

Mr. Wilson. I might not belong to this question, but if I might respond to it, I think I take a little different twist than my colleagues—not really disagreement, but going one step further. And I think that what has to happen in September if, in fact, the order is to be implemented peacefully, that we must have Federal troops: Federal troops that would be present, or Federal troops who would be alerted or ready to move in at the first instance of failure on the part of the National Guard and the Boston police and State police department to not enforce the order.

Now, let me tell you why I say that.

One, is I am not convinced that the city government, including the Boston Police Department, including the Boston School Committee, is in fact prepared or desirous to implement the order.

I can remember—I think, that this is a country that purportedly learned from history, and if their behavior in Phase I is indicative of what their behavior will be like in Phase II, I think that it is the responsibility, then, of the Federal Government to enforce what is now a Federal order. To call upon the moral behavior, the moral behavior of a group of people who have demonstrated that they are not prepared to enforce the order, seemed to me is a waste of breath.

And if, in fact, the black community, which at this point is, in fact, a very small minority in a majority environment, in a majority setting, with this city moving in September to a mayoral election and city council election and a school committee election, there is no reason for me to believe that the implementation of the order and the carrying out of services which have been constitutionally justifiable to black children, will be a high order of priority.

So that is what I feel has to be, if the order is to be implemented. I don't think that Boston should be treated any different from the Southern experience.

And what is happening is that everybody is trying to make Boston different. It is no different. It is in violation of the implementation of a Federal order. So was the South. And the same measures used in the South to implement Federal orders has to be used in Boston.

COMMISSIONER FREEMAN. Thank you

CHAIRMAN FLEMMING. Commissioner Horn.

COMMISSIONER HORN. Ms. Lewis, you have spent a quarter of a century enhancing creativity in the performing arts. And you stressed, I think very well, in your testimony, the emphasis that many black citizens place on education.

And as you know, there are probably more poor whites in terms of absolute numbers in the country, but there are proportionately many more poor blacks. And we often see that educational opportunity is related to one's economic class and their opportunities to go ahead to higher education is based on their level of income.

And we also often see that in homes where there is poverty, be it white, black, or any other color, a child who is in the early years of school or high school, doesn't receive the reinforcement for education, that is sometimes very important, especially with the printed word in an age of television.

Now what I would like to ask you, based on that quarter of a century of experience, is what can be done to improve the attitudes of parents who live in poverty, be they black or white, who have very little education, sometimes none in the formal sense, to stress the importance of education to their children when they come home from school.

Ms. Lewis. I have never accepted that theory as valid. If that theory were valid, America never would have been built. Because America was built by uneducated peasants from all over the world; my parents among them.

I come from working class parents. My mother did day work for a living, and brought home washing. And my father was a janitor until 75 years of age. And the thing that I heard all my life, and I think that most black people in this room, if they will be candid, always heard, learn more than I learned and do better than I did.

I don't think it has any relationship to poverty. It has a relationship to hopelessness; that there is no reason to prepare to be a nuclear physicist if you will never work in nuclear physics. There is no reason to prepare to be a violinist in the Boston Symphony Orchestra, if you may not sit there. That in proportion to hope, people prepare their children.

Until today—my father is now dying bitter, frustrated and broken, because they worked terribly hard to get three children two degrees apiece, and has seen those children work very hard for America, only to still be poor in a ghetto.

And I think that that is the thing that must change, not—I read in the *New York Times* that a mother in South Boston had said that she would rather let the child be a waitress than sit next to a black child in school.

I don't think I have ever heard the converse said. I have never heard a black parent say, I would rather let the child be a waitress than sit next to a white kid in school. They will let the child sit next to someone who hates him, to learn. And that is a misconception that has been propagated in this country. It has nothing to do with poverty. It has to do with hope.

I am really not very concerned myself with the fact that the children go to school in another community. The thing that I am concerned with is an open society. And I feel that if we do, in fact, allow any portion of Americans to tell us—and most of us are among the first Americans here, we were here when the other people—we met the boats—if we allow them to tell us that we must stay in a confined area, then we will remain hopeless.

During this great tension, I was asked to send the school's car to Roslindale to pick up somebody who had been injured and the car was stoned at Roslindale Square. That Haitian gentleman was attacked in South Boston not for going to school. The problem is the hope of achieving your full potential in America and living in an open society.

For that reason, we must see that the schools are desegregated. It will be easier for all of these youngsters when they are adults, to work together, if once they studied together.

I tell the children at our schools, I won't teach them how to be black. I don't care if you don't teach black studies at school. I want them to learn to read, write, and count the money.

Commissioner Horn. Ms. Lewis, if there are a number of parents that have hopelessness, even though they might be in poverty, do you see anything that can be done in places other than the school? Or is the responsibility solely the school's, in terms of generating the pride and self-respect that often are necessary to get an education?

Ms. Lewis. Every single institution of society bears a part of the burden. If any portion of society bears the largest part, I would say it is the religious institutions because they claim to teach morals and ethics. Now the schools certainly should teach morals and ethics. I would rather have them teach living, than making a living.

In addition, I think that then the next level of responsible people are the governmental people. They make the laws, they tell us what we may and may not do. They even tell us how we may and may not spend our money. They take more money from me for taxes than I would like to give.

Then they have an obligation to protect our rights and to implement the laws which they told us we must obey.

The Congress of the United States should be thinking in terms of national norms for education. I spent a lot of time being a consultant to the National Institute of Education. I don't notice that anybody ever took notice of the work we did, or implemented it.

I think that there should be some kind of a standard which says the richest country in the world has the most educated people in the world totally, with their variances certainly from area to area, and culturally. That is the way you would introduce hope. If, in fact, the parent, whoever he was, could conceive of his youngster being involved in this $80 billion industry that is in downtown Boston—I read that in the *Boston Globe*—if the parent could see that, he would spare no effort to get his child anything he needed, white or black.

Black parents don't need another self-image. We have a marvelous self-image. Other people don't know how well we think of ourselves. That is where the problem is. White people need to get a better image of us. We have a good image of ourselves.

Commissioner Horn. Thank you.

Chairman Flemming. Just before we—just to make sure we don't lose it, you referred to consultation with the National Institute on Education on some, I gather, specific proposals. And you wonder if anything has happened or is going to happen.

Could you identify those for the record so that—

Ms. Lewis. Pardon me, not on specific proposals. On directions and principles and what should be research and development. But then nobody bothers with all of these things. I just think maybe they are busywork.

Chairman Flemming. Okay.

Commissioner Rankin?

Commissioner Rankin. I didn't hear all the testimony, but I am interested. All of you are members of continuing organizations, am I correct?

Ms. Joyner. Yes.

Mr. Jones. Yes.

Mr. Wilson. Yes.

Ms. Lewis. Yes.

Ms. Jackson. Yes.

Commissioner Rankin. Well, do all of you—are you changing any of your plans for September of this year?

Could any of you go—Frankie Freeman raised this question a little bit, but I want to carry it on. Are you making any changes at all in your plans for September, over the plans you had in the past year?

Chairman Flemming. If we could just go right down the line and get just brief answers to that particular question, because our time is beginning to run out. Supposing we start at the end of the table and just go down the line quickly.

Ms. Jackson. I will make it very brief because of the fact that those plans are contingency plans, and plans that will deal with escalation of the problem. And very frankly they are not all complete.

But yes, there will be some plans, additional plans, to our operation of last year.

Chairman Flemming. Miss Lewis?

Ms. Lewis. Yes, I think perhaps we are not expecting as much friendliness as we expected on the first go around, so our plans then would reflect the fact that our youngsters have to be more concerned with their own self-protection.

Chairman Flemming. Mr. Wilson?

Mr. Wilson. Well, the plans—when you asked that question, you know, it is sort of a difficult question to answer because I would like to put into perspective a couple of things.

Organizationally we have obligations to carry out other programs which we have been bound to do by contract. Those programs will be carried out in accordance with the guidelines on those contracts.

Secondly, however, we do, however, understand that our plans must be escalated with the problem and with the need. And one of the plans, most certainly, is that we will do whatever is within our power to assure protection of our children as they move into hostile territory.

Chairman Flemming. Ms. Joyner?

Ms. Joyner. I think that what we will be doing is expanding our already existing programs to include more of the community since there will be a broader exchange of students and it will be a sort of "play it by ear" thing. As Miss Jackson stated, we don't know what the future holds, but I am sure it will be much more complex than it was this year.

Chairman Flemming. Okay. Mr. Jones?

Mr. Jones. We have evaluated our participation in Phase I, and based on the order that was given, have preliminarily developed what we would hope to be our role in areas of responsibilities for Phase II.

All of those are contingent, of course, on the gravity of the situation. And I suspect that it will be subject to change.

Commissioner Rankin. From Mr. Wilson's testimony, I gather he had given up on getting proper human relations from the heart. And it could only come, in his mind, from rules and force.

Do any of the rest of you think here in Boston, you can ever have proper human relations as a matter of proper relationship and feeling in the heart?

Ms. Lewis. I think that is something we all aim for. That is the kingdom of God on earth, but I don't think it is at hand. We had, therefore, better depend on law enforcement.

Chairman Flemming. Commissioner Saltzman?

Commissioner Saltzman. Do any of you have any feelings about positive steps that might be taken by the Boston School Committee in the implementation of Phase II in contrast to what they did or did not do in Phase I?

Chairman Flemming. Would you permit me to just kind of expand on that? Could you identify any step that has been taken, not just by the Boston School Committee, but any other group, in preparation for Phase II, that gives you some degree of hope?

Mr. Wilson. Well, let me—let me just answer that by saying, no. No. And no again.

Chairman Flemming. How about Commissioner Saltzman's question?

Mr. Wilson. Could you repeat the question, please?

Commissioner Saltzman. Is there anything that the Boston School Committee can do, or the school administrators ought to be doing, in terms of the implementation of Phase II in contrast to what they did or did not do in Phase I?

Mr. Wilson. Well I think that the first thing that has to happen—and when you say "can do," well certainly there is a lot of things that they can do.

Will they do them is another question.

Commissioner Saltzman. Well, what should they do, from your point of view?

Mr. Wilson. Well, one, they should first agree publicly that they are going to enforce the law. That is the first thing.

Commissioner Saltzman. Hasn't that been said already?

Mr. Wilson. Not by the Boston School Committee to the best of my knowledge, sir.

Secondly, the Boston School Department should make clear and known to each of its employees that it has the responsibility to enforce the order.

Second, in addition to that, Mrs. Joyner, I think, called for a specific recommendation, and that is that there should be specific training for all school department personnel in the areas of dealing with interaction that will take place, interpersonal relations that will occur in and among and around school systems.

CHAIRMAN FLEMMING. Commissioner Ruiz?

COMMISSIONER RUIZ. I just want to comment that the implications and inferences of reaction to future contingencies are clear from this panel.

Particularly when law enforcement must come from any breakdown by law enforcement authorities of a local nature. And the matter has been noted on the record.

CHAIRMAN FLEMMING. May I thank each member of the panel for the contributions that you have made. You, obviously, speak out of a very real committed involvement in this particular area. And the various insights that you have provided us will be extremely helpful as we work on our findings and recommendations. Thank you very, very much.

Counsel will call the next witnesses.

MR. STOCKS. Jane Margulis and Joan Moss.

CHAIRMAN FLEMMING. If you could stand and raise your right hand.

[Whereupon, Jane Margulis and Joan Moss were sworn by Chairman Flemming.]

TESTIMONY OF JANE MARGULIS AND JOAN MOSS, CO-CHAIRPERSONS, BURKE PARENT BIRACIAL COUNCIL

CHAIRMAN FLEMMING. Thank you very much.

MR. ALEXANDER. Would each of you identify yourself and tell us what area of the city you live in?

MS. MOSS. My name is Joan Moss and I live at 96 Woodledge Street in Dorchester.

MS. MARGULIS. My name is Jane Margulis, I live at 186 Grampian Way in Dorchester.

MR. ALEXANDER. Do both of you have children in the Boston school system, or have had this past year?

MS. MOSS. I do. I had three. Now I have one.

MS. MARGULIS. I have three children in the Boston Public Schools.

MR. ALEXANDER. You come from the Savin Hill section of Boston?

MS. MARGULIS. Right.

MR. ALEXANDER. Prior to Phase I, where were your children going to school?

MS. MARGULIS. South Boston High School and neighborhood schools.

Mr. Alexander. When you heard about the pupil assignment under Phase I and received that assignment, what was your initial reaction?

Ms. Margulis. I was very upset.

Mr. Alexander. What was the nature of your reaction?

Ms. Margulis. I was scared.

Mr. Alexander. Of what?

Ms. Margulis. Well, when the assignments came out, it showed that I was having two children that were going to be bused to the black community every day.

Our oldest son was going to be taken out of South Boston High and bused to the Burke High School, and our middle school daughter was going to be attending the John W. McCormack at Columbia Point.

I was born and brought up in Boston, but had very little to do with black people all my life; had always gone to segregated schools. And it was very frightening for me to think that I would be putting them on a bus and sent to the black communities which I knew nothing about.

Mr. Alexander. What did you do about this fear and apprehension that you had? Did you take any direct steps?

Ms. Margulis. Well, I thought I had to make myself comfortable in order to make them feel comfortable about the change.

The first thing I did was start working in my middle school daughter's school. It is just more comfortable to work in elementary and middle schools in Boston. High schools seem—well first of all, they are rather insulated as an institution, and second of all, when it is your high school kid, that is his turf and you are stepping on toes.

Mr. Alexander. How did you go about doing this? Did you go down to these schools to see what they were like?

Ms. Margulis. I didn't even know where to begin, to be perfectly honest. But I had done other community and civic stuff in our neighborhood and through the university community relations board, which is a neighborhood civic organization connected with the University of Massachusetts, I served on that board with some people who lived at Columbia Point.

After one of their meetings, I followed them outside of the meeting, explained my dilemma, said I really wanted to meet some parents from Columbia Point so that we could start sitting down and sharing things about what was going to happen in September. That probably started in April or May.

As a result of those meetings, we put an ad in the *South Boston Tribune* about a reading program that was going to take place at the school, and one South Boston parent came. And through her, she found many parents in South Boston who were also going to have kids that would be attending the McCormack School. And we all started sitting down and speaking with each other and that went on all summer.

Mr. Alexander. Many people, it is alleged, stayed out of school or transferred their children out of the public schools. Why didn't you follow that option?

Ms. Margulis. Well, basically we are city people. Both my husband and I were brought up in Boston; we both attended Boston public schools. Our children had always attended Boston schools. So it didn't seem to us to be the alternative.

We were also in business in our neighborhood, so the thoughts of moving never got beyond a thought. So the solution seemed to be, was to make ourselves as comfortable as we could be with what was going to be ahead for our kids.

Mr. Alexander. Mrs. Moss, what was your reaction to the announcements of Phase I?

Ms. Moss. Well, I didn't mind the busing so much, but I was downright angry when I discovered that my youngest one had to go to the Gavin in South Boston. Because of the political leadership in that area, I knew what he was to face on the first day of school. So the first thing I did was, rather the school that he went to last year was the King School, and they arranged for the parents to visit the Gavin School. I found the Gavin School to be a nice clean school and I had no qualms with that. But I was a little leery about the neighborhood. But, because it was the law I decided that he should go to school.

Mr. Alexander. What about your feelings about white students being bused into the Burke School, which I believe is where your daughter was?

Ms. Moss. Yes, my youngest daughter at home, she went to the Burke School. That never bothered me because, you see, some of my relatives are married to whites, so that never posed a problem for me. I know that we are all human, you see.

Mr. Alexander. Did you become—did either of you become involved with the Burke High School in any way?

Ms. Moss. Well, yes. Before school opened, Shelley, my daughter, was part of the welcoming committee for the white parents, and I had always been involved in the school and I went to the meeting and I joined the biracial council. And I was the chairperson for the black parents.

Mr. Alexander. Mrs. Margulis?

Ms. Margulis. I became involved in the Burke School just prior to the opening of school. We knew our son was going to school, and he was going to school the first day.

Mark got a telephone call from the faculty at the Burke, a member of the faculty at the Burke, asking him if he would like to come earlier on open house, and kind of help with the committee that was showing parents around the school, who would be arriving that day to look over the facilities.

It was kind of an interesting situation in the sense that Mark became kind of the host to a school that wasn't yet his school. I encouraged him to do this and he did. It was very successful. In fact, I think that probably the Burke High School was one of the most successful, if not the most successful, open houses in the city this year.

Mr. Alexander. How many persons attended?

Ms. Margulis. I think there were about 60 people.

Ms. Moss. Right, just about.

Ms. Margulis. For a high school, that is a lot.

Ms. Moss. Right.

Mr. Alexander. Did you send your son to school the first day?

Ms. Margulis. Yes.

Mr. Alexander. What about your daughter?

Ms. Margulis. Yes.

Mr. Alexander. What kind of experiences did they have those first days?

Ms. Margulis. Mark had a good day, things went fine at Burke. There were no problems. He knew nothing about what was happening in the rest of the city until he got home.

Our daughter had a good day at school. The McCormack is released at 20 minutes of 3. By that time the buses had returned to Columbia Point, that held students that had gone to South Boston High School.

In the 10 or 15 minutes between the time the buses arrived and before my daughter was allowed out of school, about 500 people formed along the project—in response to the crisis that occurred when those buses came back.

Our daughter came out of school; there was no problems, nobody tried to do anything to the buses, but the police were shoulder to shoulder between the building and the door to the bus.

The crowd did not try to get at the buses, and I want to make that clear. But that was very frightening to me because I had gone down to the mall when I realized that that—I was there when that was happening. I had gone down to the mall and when I saw all the police and my daughter coming out with this kind of protection it was very scary for me.

When we asked our daughter about it later that evening, she wasn't afraid at all because one of the YAC workers that she had been working with through the summer, was milling through the crowd; so as far as she was concerned, everything was fine because Drina was there.

Mr. Alexander. YAC is the youth activities commission?

Ms. Margulis. Right.

Mr. Alexander. Was there ever a time in the early part of the school year when you considered keeping either of your children out of school?

Ms. Margulis. Yes. I did not want to send them to school the second day of school.

Mr. Alexander. Did you, in fact, send them to school? What happened?

Ms. MARGULIS. Well, I had been—I also work as a neighborhood coordinator for Citywide Education Coalition, and I work in Area 2, which is the South Boston district.

I spent most of the day in South Boston on September 12. Because of what happened in South Boston, I was fearful for my kids the following day in the black community. These fears were not just because of what happened September 12, they were my own fears that I have carried through my life. But I was scared.

MR. ALEXANDER. Yes.

Ms. MARGULIS. First, our son did not go to school the second day of school. Our daughter, we made the decision that she not go to school the second day of school.

I pulled up to the bus stop where the children in our neighborhood got on the bus to go to school, and there were all these parents with their kids ready to send them to school. And I pulled up and my kid wasn't there. And I had never considered myself a leader in any sense of the word. And all of a sudden these people were then hesitant about sending their kids to school because we weren't sending ours. It was quite a trip. Needless to say, I went home and got my kid, and she went to school.

She wanted to go anyway. It was me who didn't want her to go.

MR. ALEXANDER. And how did the day work out?

Ms. MARGULIS. It was fine. She had a great day.

MR. ALEXANDER. Did your son go back to the Burke School?

Ms. MARGULIS. Monday.

MR. ALEXANDER. And he has been there—he went there through the school year?

Ms. MARGULIS. Right.

MR. ALEXANDER. How would he characterize his year's experience? How has he expressed it to you?

Ms. MARGULIS. Mark had a great year this year. I think he has probably had one of the best years that he has had in his high school career. Desegregation was probably the best thing that ever happened to him. He was one of the few first white kids that went to school, and I think this gave him an opportunity to be a leader and I don't think Mark was a leader up until now.

Also, his mother got a job and she got off his back and that also was helpful.

[Laughter.]

The young faculty at Burke has certainly been responsive to his needs; the administration has been great.

MR. ALEXANDER. Have you been involved with the biracial council also?

Ms. MARGULIS. Yes, I am a co-chairperson of the biracial council at the Burke.

MR. ALEXANDER. Have you taken any other positions with parents' organizations at the Burke?

Ms. Margulis. I am president of the Home and School Association. I almost forgot that.

At the Burke, the Home and School Association meetings and the biracial council meetings are held simultaneously. It is kind of the same thing.

Mr. Alexander. Had you been that actively involved in schools before this year?

Ms. Margulis. Yes.

Mr. Alexander. Were you on the Home and School Association in South Boston?

Ms. Margulis. Not at South Boston High, but in our local neighborhood schools. And I am on the executive board council of the Home and School Association of Boston Latin where our other son attends school.

Mr. Alexander. From your perspective, what kinds of things did you see happen this past year involving parents and students, that you would like to see repeated citywide, and things that you saw that need to be done this year, that perhaps weren't done, in your situation? What kind of recommendations would you have?

Ms. Moss. Who, me?

Mr. Alexander. Yes, Mrs. Moss.

Ms. Moss. Oh, well, one of the things is, I think most of the parents when they sent their kids to school, they wanted them, you know, to have a friendly atmosphere. You can only have a friendly atmosphere if the parents get off the kids' backs and let them solve their own problems.

We started out, not so much trying to make the kids love one another, but to merely respect one another.

After our biracial meetings, somehow or other it came, they wanted to out. So we started to go out afterwards. The kids began—became friendly, they learned to socialize with one another. We went to one place and they had such a good time.

Chairman Flemming. May I request those that are removing equipment, to be as quiet as possible, in fairness to the witness.

Ms. Moss. The kids went out and they had such a good time. It was at a place that I gathered it wasn't supposed to be, in a dance, and a white student and a black student started to dance. We were asked not to come back there any more. So we didn't.

But the parents have got to become involved. This is the only way to handle things.

Mr. Alexander. Do you believe that your daughter got a good education this year at the Burke High School?

Ms. Moss. Yes, because Burke is a special school. You have a headmaster who cares. Like Jane says, you have young teachers who are willing to listen. And the kids, themselves, are special types. We don't have any set formula of what made the Burke work this year. We just know it did.

Mr. Alexander. Would you like to comment on that, Mrs. Margulis?

Ms. Margulis. Well, I think one thing that is unique about the Burke this year—I don't know if it is true in other schools—only about 200 kids came back to the Burke this year, who attended the Burke last year. Therefore, it was kind of neutral turf for everybody. It was no one's already implanted, this-is-my-school syndrome. That wasn't part of what went on at the Burke High School this year. All the kids kind of came to a new school, black and white kids, together.

Mr. Alexander. Mrs. Margulis, are you a member of the CCC now?

Ms. Margulis. Yes, I am.

Mr. Alexander. When were you appointed?

Ms. Margulis. I don't know, when did the paper come out?

Mr. Alexander. Several weeks ago. What type of role, from your involvement this year, do you see that group playing?

Ms. Margulis. I guess I think that that group can kind of lean on public officials to do their jobs.

Mr. Alexander. Have your experiences been repeated to neighbors and friends in the community? Has it had any impact on other children going to school?

Ms. Margulis. Oh, I think so. I would hope so.

Mr. Alexander. You would hope so.

Has it caused you any problems in the community?

Ms. Margulis. To some extent.

Mr. Alexander. But not enough to stop you?

Ms. Margulis. No, as I told you before, I can tread there, too.

Mr. Alexander. Okay. Mrs. Moss, have you had any problems?

Ms. Moss. Well, a little.

I was the neighbor in every neighborhood who convinced our neighbors to send their children to school, and I promised them, because the mayor had promised us, that our children would be protected.

But on the first day of school, Keith did not have a very good day. I think he more or less expected to find the students out, but he wasn't prepared to find parents, and particularly mothers. He said the rocks and the bricks they could more or less cope with. But it was very unnerving to him to see a mother throw a crowbar at the bus. This he just couldn't deal with.

And he really didn't want to go back to school. But then, I was sort of afraid, but I was very determined because I felt as though the people in South Boston were trying to take away my rights to send my kids to school. So I said, you are going. And he did go—up until a point.

Mr. Alexander. I have no further questions at this point.

Chairman Flemming. Commissioner Horn?

Commissioner Horn. I have no questions.

I just simply like to commend both of you for the active work that you are doing. I think it is very impressive. I have read the background statements on your efforts. I think it is the type of work that both of you are doing in both your respective and your joint communities, that is going to be the key to fulfilling the Constitution in this country.

CHAIRMAN FLEMMING. Thank you, Commissioner Horn.

Did I hear correctly that you are a member of the new coordinating council?

MS. MARGULIS. Yes, sir.

CHAIRMAN FLEMMING. Do both of you serve?

MS. MOSS. No, Jane.

CHAIRMAN FLEMMING. Have you had a meeting?

MS. MARGULIS. Yes.

CHAIRMAN FLEMMING. How many.

MS. MARGULIS. We have had one meeting and one executive board meeting. I am a member of the executive board, too.

CHAIRMAN FLEMMING. What is your evaluation of the approach of the council up to the present time?

MS. MARGULIS. The one meeting that we had, all that we did was pass bylaws. The executive board meeting consisted mainly of talking about what kind of criteria we should be looking for in hiring the staff director. We are really just getting organized.

CHAIRMAN FLEMMING. Have you talked with the members of the council?

MS. MARGULIS. I know many of them.

CHAIRMAN FLEMMING. Do you feel that they are going to put a good deal of emphasis on the coordinating function? I mean, trying to pull all of this planning together?

MS. MARGULIS. Yes. In fact, the council is subdivided into subcommittees. And I think that is where the work of this council will be done, in those subcommittees.

CHAIRMAN FLEMMING. In other words, I gather from your response to the questions, that the appointment of this council does give you some hope as far as the approach to Phase II is concerned?

MS. MARGULIS. I am hopeful. I was not appointed to the council. I don't know if you realize that or not.

CHAIRMAN FLEMMING. All right. Commissioner Ruiz?

COMMISSIONER RUIZ. As presently constituted, is the biracial council made up of black and white parents?

MS. MARGULIS. Yes, sir. And Spanish speaking.

COMMISSIONER RUIZ. Does membership include other ethnic minorities?

MS. MARGULIS. Yes.

COMMISSIONER RUIZ. Has any coordination or coalescence, plans, to join in common concerns, been taken between the leaders of the various ethnics groups up to now?

MS. MARGULIS. Well, I am sure the leaders have tried.

COMMISSIONER RUIZ. Well, with this new coordinating council with respect to the bylaws now in formation, does it include all ethnic minorities?

MS. MARGULIS. Right. But the new coordinating council appointed by the judge has nothing to do with the biracial council.

COMMISSIONER RUIZ. I see.

MS. MARGULIS. The coordinating council which Judge Garrity appointed, 40 members—

COMMISSIONER RUIZ. I understand that now.

MS. MARGULIS. —only two were elected.

COMMISSIONER RUIZ. I have that matter now clear.

MS. MARGULIS. Okay.

COMMISSIONER RUIZ. With relation to the particular organization you have been speaking of, and concerned with, there is no exclusion with relation to other ethnic minorities, is there?

MS. MARGULIS. No. The biracial councils within each building in the city, within each school in the city, are made up of black and white parents and students. And if there are 60 or more of another ethnic minority in the school building, they also have representation on that council.

COMMISSIONER RUIZ. Thank you.

CHAIRMAN FLEMMING. Commissioner Saltzman? Commissioner Rankin?

COMMISSIONER RANKIN. Have you noticed any change in attitudes in your children during the school year?

MS. MOSS. Not really.

I know the youngest one is a little more conservative, where he was very outgoing before. Of course, Shelly always went to the Burke, and my other son went to English before and he continued to go there. I think I might add that my son Dana was very concerned that he would have to go to the Burke. He just did not want to go, so he went to live with my oldest daughter.

But outside of that, they have gone along pretty much the same. Because it is like Keith saying, once you got into the schools, he had no problem. He said but it was just the getting into the schools.

He went on a ski trip this year for the first time. He enjoyed that. And he went with the teachers. But he is the type of student who can make friends with anyone.

MS. MARGULIS. I think there has been a big difference with my son. Mark went into the school year with, "Hell no, I won't go." And I think if he were given the option to change schools this year, he wouldn't.

COMMISSIONER RANKIN. Well, what about parental influence? Now you had a good influence. What has been the role of parents in Boston? Have they corrupted the matter, or have they helped, or what? Would the students get along pretty well if it were not for the parents?

Ms. Moss. I think so. My children listen to me. But they make their final decision. But I think if the parents will leave the kids alone—because I know several students who haven't gone to schools and they are black. And they say they don't go because their parents won't allow them.

Well, when I expressed concern once, "I don't think you should go to school," well, Keith went to his dad and said, "I want to go." My husband said let him go. So he went. So they are very determined children.

Commissioner Rankin. Do you feel the same way about the role of parents?

Ms. Margulis. Yes, I think kids would be fine if they were left alone.

Commissioner Rankin. They would do pretty well without parents.

Ms. Margulis. Right.

Ms. Moss. Right.

Commissioner Rankin. Okay. Thank you.

Chairman Flemming. Well, I want to join Commissioner Horn in expressing appreciation for the fact that both of you have been involved in dealing with very, very difficult situations and involved in a very significant manner. It is the kind of leadership that I am sure proves to be very, very helpful in situations of this kind. Thank you very much for being with us.

Counsel will call the next witness.

Mr. Alexander. The next witnesses are Douglas Foster, Joseph Day, and Ms. Rowe.

Chairman Flemming. I will ask the witnesses, if they will, to stand and raise their right hands.

[Whereupon, Douglas Foster, Joseph Day and Ollia Rowe were sworn by Chairman Flemming.]

TESTIMONY OF DOUGLAS FOSTER, HEADMASTER, BURKE SCHOOL; JOSEPH DAY, TEACHER; AND OLLIA ROWE, TEACHER

Chairman Flemming. Thank you very much.

Counsel will proceed with questioning.

Mr. Alexander. Will each of you, starting with Mr. Day, identify yourself and state your position, please.

Mr. Day. My name is Joseph Day. I am a teacher at the Jeremiah Burke High School in Dorchester.

Ms. Rowe. I am Ollia Rowe, and I am a teacher at Jeremiah Burke High School, Dorchester.

Mr. Foster. Douglas Foster, the headmaster of the Jeremiah E. Burke High School.

Mr. Alexander. Mr. Day, how long have you been at the Burke High School?

Mr. Day. Since September 1962, 13 years.

Mr. Alexander. What kind of school was it when you first got there?

Mr. Day. It was—first of all it was an all-girl school. It has only been coed for 3 years. Racially it was approximately 85 to 90 percent white. Of that racial makeup, white, predominantly Jewish at that time.

Mr. Alexander. And how long did it stay that way?

Mr. Day. It gradually changed. By 1966 or '67, I think we were very, very well integrated. We had maybe 5 to 8 percent Chinese; we had a substantial percentage of Jewish; we had maybe at that time 20 to 25 percent blacks; and the rest Irish, Italian whites.

1967 was the critical—excuse me, 1968 was the critical year. After Dr. King was shot in April of '68, we had a riot around school. And this created a tremendous amount of tension. As a result, many, many of the white kids left the school.

The following October there was an issue in the city dealing with—around English High on the dress code, and again we had a major confrontation outside of the school, which really, at that point, then all of the white students left except for the seniors who graduated the following June in '69. And until this year we were predominantly—we were all blacks for all intents and purposes.

Mr. Alexander. How has the educational pattern at the school been over the past 5 years?

Mr. Day. Can I take it back to about 8 or 9 for a minute?

Mr. Alexander. Okay.

Mr. Day. When I came to the Burke in '62, it was probably the finest school in the city except for the Latin School, academically and in the secretarial courses.

The women who had been teaching there—and they were predominantly women because it was a girls' school—had been teaching since the school opened and they all got old together. And then as the troubles came in '68, '69, and '70, the teachers all retired together. A few transferred, but retired within a year.

So that the problem of a changing racial makeup, the turmoil outside of the school, and a tremendously unstable faculty and brand new faculty, was a—so the educational level of the school, to be honest with you, really declined quite a bit.

I think the boys came in in 19—September '73, and made not much of an impact the first year. But I thought last year was an excellent year, maybe the best year we had in 7 or 8 years. And the school was on an upswing. And this year just was a continuation of last year, really.

Mr. Alexander. Headmaster Foster?

Mr. Foster. Yes.

Mr. Alexander. Could you tell us what preparations you began for Phase I in the spring of the past year of 1974?

Mr. Foster. Well, last April we knew, or we felt that Phase I would take effect. There was some discussion throughout the city that perhaps the legislature might come up with something that might postpone it. But we felt that it would go through and we planned to get ready for it.

We awaited the incoming lists from educational planning center, and using this as a focal point, we decided as best we possibly could, to get programs ready for each and every one of the youngsters on that list.

Mr. Alexander. Well, how did you do that, considering all that we heard about staff not being available and headmasters not being on salary throughout the summer?

Mr. Foster. We did it. We have some dedicated people at the Burke; aides, teachers, the kids, members of the biracial council.

If somebody really wants it to work and worked hard enough at it to make it work, it will work. But it takes a lot of hard involvement and cooperation and getting at the nitty gritties and dealing with them and doing the best you possibly can to come up with methods of overcoming problems and staying with the task of getting it done.

We did that. It was a long, hard summer.

Mr. Alexander. Were you at the school most of the summer?

Mr. Foster. Yes.

Mr. Alexander. Were there other faculty members and administrative personnel there?

Mr. Foster. Periodically Mr. Daly, data processing coordinator, was there every day. He took work home with him every afternoon, every evening. And we got a printout from data processing indicating the curriculum involvement of the students of the school.

Mr. Alexander. Was much of this time unreimbursed time?

Mr. Foster. Yes.

Mr. Alexander. Both Mr. Daly's and your own and the other faculty?

Mr. Foster. A lot of it. But there was reimbursement forthcoming later on.

Mr. Alexander. Other than the program cards which you mentioned, programs ready for students in September, what other specific types of things were done over the summer for the opening of school in September.

Mr. Foster. Well, prior to meeting with young people on that Sunday open house, Freedom House, Ellen Jackson and her staff had asked myself and the headmaster of South Boston High School, Mr. Reed, and the acting headmaster of Roxbury High School, Mr. Ray, to meet with her. And we did, periodically. And we met with the black folks who lived in that part of the city, and attempts were made to try to get white folks from South Boston, other areas, to come in and become part of that coalition. And this was in the formative stages, in the beginning of the summer, in June.

And then we addressed two communications to parents; indicated to them that our guidance staff had gone to the junior high school—we had known the geocodes, we knew where the young people were now located, so guidance people went to where the kids were, and explained the program of the Jeremiah E. Burke High School to them, and we left elective blanks for them to complete and return to our school.

And those that we didn't receive, getting a curriculum feedback, getting a course code, a 20 or a 10, we knew whether a youngster was in a college prep program or a business program, and we just took the current program, extrapolated it to the next school year.

So a program was written for every youngster so that opening day when the youngsters did come into school, a program was given to that youngster.

Mr. Alexander. What about anticipating problems of discipline and law enforcement problems in the school? Was there any coordination or any particular planning done in that area?

Mr. Foster. Yes, there was. Looking at the school population intended for that school year, or this school year—and we knew that we were going to have a brand new school as to population. But we had a good faculty, a dedicated faculty, an experienced faculty. Young, experienced, who had gone through some very difficult times in dealing with minority kids, kids from a low socioeconomic background. And they were very sensitive to the needs of kids.

And this is part of the ballgame, too. If you are sensitive and you are a human being first, I think you can extend this feeling to whoever your clients happen to be.

So this was part of the background as well.

Mr. Alexander. Earlier this morning the neighborhood city hall task force was mentioned as one of the mechanisms used citywide for planning. And it was suggested that in some places the headmasters and principals attended.

Did you attend the neighborhood city hall planning in your area?

Mr. Foster. Yes. I went to some—the meetings I went to with Freedom House; Dorchester City Hall was there, Roxbury City Hall was there, the fire department, the police department, the higher echelon of administration of the Boston Public Schools was there, too.

Mr. Alexander. You mentioned Freedom House, which is a predominantly black organization, as being cooperative and helpful in this school year.

Were there any white community organizations, or predominantly white community organizations that contacted you or you contacted to help in implementation?

Mr. Foster. I contacted—I went to a meeting with the Jones Civic Association. That is in the Uphams Corner section of the city. And they were very apprehensive about sending kids, walkers, down to Columbia Road to the school, because that intersection of the city, Columbia Road and Washington Street, has a reputation of a troubled area. A lot of drugs involved and some episodes of vehicles being stopped and handbags being taken. And the white folks didn't want to send their kids up to that area of the city unless I could get for them a bus.

So I indicated to that civic group that I would get a bus, and if I did get the bus, would they come? And they said they would.

I got the bus. And my contact person was a Linda Bushalow of a little city hall Upham's Corner. She got the group together and—

Mr. Alexander. How many students did you have this past year?

Mr. Foster. Well, we were scheduled to open with 1,585. Out of the 1,585, approximately 1,100 programs were picked up at one time or another. The average attendance has been between 700 and 775 since September up until the present day.

Mr. Alexander. Approximately how many students were black and how many were white this past year?

Mr. Foster. That have been coming?

Mr. Alexander. Yes.

Mr. Foster. Of the—roughly, if I use 700 as a round number, approximately 500 to 200.

Mr. Alexander. Ms. Rowe, it has been mentioned several times the role that the teachers at the Burke school have played this past year.

Would you like to explain in a little more detail what you believe the teachers can do in the school desegregation setting, what role they can play in their classrooms, and outside their classrooms?

Ms. Rowe. Well, at the Burke this year—at the end of last year the first thing we did, we start having departmental meetings.

In the departmental meeting you would, like, set up a plan that you wanted to follow for the following year. And one of the main things that was emphasized was the code of discipline. That we would follow it strictly and would enforce it, no matter what color you were, black or white. And this, I think the firm control of the student body by the faculty, was one of the major parts in explaining why the school year was such a successful year.

And also, I felt as though I, as a teacher, what I did was like, in the classroom, would arrange the student according to—you know, one black, one white, and so on.

Ordinarily, a student will be a student, and eventually he is going to talk in class or he is going to fool around with the person next to him. If the person is white, or if the person is black, then you have to talk to the person, or the person that is behind you, which is usually not of the same race. So this is what I did in my classrooms and I felt as though the other faculty did that as well.

Another thing the faculty did was, like, I felt as though we are for fairness in the sense that if you treat a person as a human being, not as black or white, then the student will respect you as a teacher. And maybe one of the aspects, as you say, of a teacher was that of more like a positive attitude toward Phase I.

In other words, it was done, what could we do about it? We have to accept it, so we might as well work with it. And I think the attitude of the faculty helped to—maybe if the student had a negative attitude toward coming to school with blacks, or they would like erase it through the positive attitude of the faculty.

Mr. Alexander. Were there many extracurricular activities involving both faculty and students that occurred outside the classrooms that were important?

Ms. Rowe. Yes. I think the field trips were very important and I think working with YAC, the youth activities commission, was very important. Also, the kids went on a lot of things together, like most of the time when the field trips was taken, they were like, you know, blacks—so many blacks, so many white students would particpate in the field trips. And like previous was mentioned, camping, maybe a tour of a government building, or anything around the city that was done, I think that had a lot to do.

And also sports was one of the most important things too, why the kids got along well together. Mainly because in sports students had a tendency to erase the idea of being black or being white. They all in to win. And they usually work together. I think that sports has a very important part in it.

Mr. Alexander. Mr. Day, would you like to comment on the role the faculty played, and what you see as the positive lessons to be learned from that role?

Mr. Day. Well, the teachers at the Burke, I think personalitywise, they are young and they are enthusiastic and they are interested. And I think it rubbed off on the kids, too.

I know I had quite a few of the kids tell me, wow, Mr. Day, the teachers really are together and with it and so on and so forth. And I think what Ollie said, the fact that the field trips, the camping trips, that is a good example. In April they took a camping trip with about 40 kids, approximately half and half black and white, half and half boy and girl, and about 12 faculty members. And they camped in New Hampshire for about 4 nights. It worked out very, very well and very, very positive. And that is just one example.

I just think the personality of the teachers, and the fact that the teachers work hard at teaching, too, which is just as important. We can talk about field trips all day long, but they did work hard at teaching and the kids by October realized if they didn't do their work and weren't going to study, they were going to fail.

And this was, I think, of vital importance. There was a lot of education, a lot of learning, a lot of teaching going on in the building, and the kids realized it.

And also the strictness, as Ollie said. We became old fashioned, which isn't too bad, either. And this paid off an awful lot.

I think there were other factors, too. Mr. Daly, as Mr. Foster mentioned, was extremely important. From my understanding, talking to other teachers in the city, we were the only school that had a program for all the kids when they came in the first day so there was no wandering.

The aides were excellent. Aides were marvelous, marvelous teachers' aides. They did a marvelous job by and large.

And the deans of discipline, a group of teachers, did a marvelous job, too.

Mr. Alexander. Could you explain the role that the aides played in this school?

Mr. Day. Well, the aides were—their function is more or less to keep things moving, and to keep the kids in the classrooms where they belonged, so they wouldn't wander the corridors.

Now I can imagine an aide could look the other way and not see anything, and everything could go wild. But the aides in the Burke, for the most part, didn't do that. They would make the kids go where they belonged and many of them could counsel the kids too; and they were both black and white aides. They were a very positive, very, very positive element in the school.

Mr. Alexander. You mentioned the sports program. Has that been an ongoing program at the Burke school for years and years, or is it newly developing?

Mr. Day. The sports program—remember we are just coed for 3 years. The girls sports program has been excellent for years. The basketball team has won the city championship for 4 out of the last 5 years, or 5 of the last 6.

The boys program is new. I am the basketball coach, so I know a bit about it. In the fall I was trying to encourage the white kids to come out for the basketball team. So what I did for the month of October a couple of afternoons a week, I would keep some of the black kids that I knew, that were interested in the team, after school. And then I would try to pick out white kids that I knew might be interested, and they stayed. And this worked out well.

Except, by the time for the trials for the basketball team, the white kids were not totally comfortable in the school. So I had 4 try out out of 50, and they looked around and they got a little startled, and they, to be honest with you, left.

But I have been doing the same thing again the last 2 months since the April vacation, and one day I kept 18 kids after school, 9 of whom were white. And I must have 15 or 20 white kids expressing interest in going out for the basketball team next year.

So the kids have become much more comfortable in the situation. The white kids are even causing trouble now, where they weren't, at the beginning of the year, which is a—you don't want it, but it is a very natural thing, you know.

Mr. Alexander. I have no further questions at this time.

Chairman Flemming. Commissioner Freeman and I had the privilege of visiting the Burke High School, so I am going to ask Commissioner Freeman if she will lead off with questions from the Commission.

COMMISSIONER FREEMAN. We, during our visit, had an opportunity to see the faculty—see some of the faculty and to see some of the students, and the interaction among the students. And particularly were we impressed with the art class and some of the—I don't understand all of it, but it was quite exciting.

What I would like to know is, the extent of parent involvement in the programs that you have described, particularly. We were there—Mr. Foster was telling us about the camping trip to New Hampshire.

What kinds of parent involvement does Burke have, and what do you see for September?

Yes, Mr. Foster?

MR. FOSTER. Our parent group this year was the biracial council. You met two of those fine ladies earlier. And I have to go back to Jane Margulis, what she did.

In the beginning, not too many white kids wanted to come to the Jeremiah Burke High School. But Jane Margulis by telephone calls, and by pressure, she got the white kids to start coming. And they trickled. Maybe we had something like 68 the first day. And this attained a high of 200 kids.

And she, and the other parents, and Shelly Moss' mother, they were great. And other parents with them.

You asked about a sports program. We had none.

We were promised one. I asked the area superintendent last year, we are now going into coeducational, we want a baseball team, we want a hockey team, we want a football team.

The hue and cry was, "We are sorry, there has been no money appropriated for the Jeremiah E. Burke High School athletic budget at this time."

But, we had a problem. The parents, the teachers and the kids got together. We asked school committee—Miss Sullivan, we asked Miss Sullivan to come to the school, and she did. She listened to our problem, she said she would help us as much as she possibly could.

We then made an appointment with the mayor's office. We went in to see the mayor's representative, Mr. Sullivan, and sure enough, we got an appropriation and funding. We have a baseball team, we have a hockey team, we will have a football team next year.

Getting back to some of the faculty and the way they address themselves to problems. Seniors in our school this year came from many, many different high schools. I have two senior advisors that met with those kids every single day in the beginning; took money out of pocket, bought pens and T-shirts and other things. And every kid coming in that front door in the morning was beset with "Come on, buy a T-shirt, buy a pen," and gradually this was the spirit that was, you know, starting to show itself at the school.

Then I had someone who took over the junior class as an advisor. The juniors, together, collectively, collected more than $200. They bought turkeys and their object was to have a Christmas party for the white folks and the black folks, the senior citizens.

They did a tremendous job. They took that cafeteria, took the old wooden tables, put them to one side, went to classrooms, brought classroom tables down, they put tablecloths on them, centerpieces, they got faculty to help them prepare the meals, they got some transportation, we contacted two great church people, Father Williams of St. Mark's Episcopal Church, a black church, Father Pierce from the white, St. Kevin's Catholic Church, and those are the folks we addressed this party to.

If you could have been with me on December 20, looking at the place, and watching these folks come in that door, you would have felt as I did, that your heart was jumping up into your throat, and knowing that here were kids who got together, looked beyond themselves and did something for other people.

This is one of the real hallmarks of our success this year, this type of spirit engendered in the kids by faculty.

And then, apropos of that, they maintained the same project concern.

They had canned goods for next time, and they had an Easter basket in the middle of the lobby. Easter time they distributed stuff to a couple of housing projects.

I thank God they are young, experienced, dedicated, concerned bunch of people in the school; everybody, aides, teachers, parents.

Commissioner Freeman. Mr. Foster, you sort of stressed the word "young." Do you—are you saying that maybe being a little young makes you more flexible, or more open-minded?

Mr. Foster. No. Let me take that back. Young at heart.

[Laughter.]

Commissioner Freeman. How many other schools would fit the category that has been expressed here today by Burke?

Mr. Foster. Well, I have to look at my contemporaries, too. My involvement was entirely different than theirs. My kids came to school every day, and outside the school there weren't a lot of people waiting for them and yelling at them and screaming at them. In other words, we had a nice peaceful surrounding.

In the beginning of the school year, I asked community folk to be there with me every day. In the beginning, every single day I had a black minister, a white minister, I had people from community task force being out there in the schoolyard, outside the schoolyard. Back in August I tried to get as many aides as I could from the neighborhoods in which the kids lived so when the kids did get in buses, they did get in the schools, they would see some familiar faces.

And for the first time we did have an adequate staff of aides. And this helps, too. If you have adequate staff it helps.

Also helping greatly this year, was the teacher-pupil ratio. Rather than being 1 to 30, this year it became roughly between 1 to 15 and 1 to 20. And in this there was a lot of chance for looking at the individual differences among the kids and the teacher being able to respond and help meet and carry along with this.

Commissioner Freeman. Have you considered writing up your experiences and possibly sharing them with other schools that may be similarly situationed next time?

Mr. Foster. If I am asked to do this, and I can help anybody, gladly.

Commissioner Freeman. Have you shared your experiences with any of your colleagues who are headmasters of other schools?

Mr. Foster. Yes, I have.

Commissioner Freeman. If you were going to be—were asked by—you say if you were asked—by school committee to make some recommendations for implementation of the Phase II order, in the light of your past experience, what would the most important steps—how would you rank the most important steps to be taken, and when?

Mr. Foster. The most important step, I believe, is adequate staffing. We staffed this year relative to looking at the school.

In the past we had heads of departments acting as the in-betweens, the classroom teacher and administration trying to effect better discipline.

We opened it up this year. We asked people to volunteer for this. And some of the younger staff members asked if they could identify with this. And they did. They did a tremendous job.

As Mrs. Rowe said, we had to make certain that we were consistent in policy to any kid coming in the school. We published a good handbook, and it was in the handbook indicated exactly what we expect relative to discipline.

Commissioner Freeman. Is your handbook a part of this record?

Mr. Foster. I believe it is, yes.

Chairman Flemming. Without objection it will be entered as, I think, exhibit no. 5. If I recall correctly.

[The document referred to was marked exhibit no. 5 for identification, and received in evidence.]

Mr. Foster. If I may, I have in my possession now, a letter from a white parent that I received 2 days ago. And if I may, I would like to enter this into the proceedings today.

Chairman Flemming. We would be very happy to receive it. We would be very happy to have you read at least portions of it, and then we will enter the whole letter into the record as exhibit no. 6.

Mr. Foster.

June 10.

> Dear Mr. Foster: I am writing to thank you, all the teachers and the personnel at the Burke School for the exceptionally fine education my girls received this year.
>
> I must say we had many reservations about sending the girls to your school. But most of them were erased after your day of open house. We were very impressed with both the appearance and the dedication of all the teachers we spoke to that day. However, we kept our fingers crossed for the first few weeks, expecting much and expecting nothing.
>
> The girls themselves convinced us of our wise decision in letting them attend. We heard nothing but glowing reports of the school, the building's good condition, the great and exciting subjects, and the best and the hardest of teachers.
>
> They were welcomed by all with open arms and they loved it.
>
> I belong to the biracial committee, and because I am such a shy and introvert type, I must say I contributed nothing. But I did learn much. Mr. Davis handled it all with great dignity and patience, and it was a pleasure knowing him.
>
> Let me close by offering again our sincere thanks for giving the girls such an excellent year.
>
> Mr. and Mrs. Heenue [phonetic], the parents of Judy and Kathy Heenue.

This is the first white parent to have brought two young ladies into school open house day, and this is evidence of how she feels now.

Commissioner Freeman. Thank you, Mr. Foster.

Chairman Flemming. Will you identify for the record who Mr. Davis is?

Mr. Foster. Yes.

Mr. Edward Davis, assistant headmaster, business department, is the coordinator of the biracial committee.

Chairman Flemming. Thank you.

[The document referred to was marked exhibit No. 6 for identification, and received in evidence.]

Commissioner Freeman. Thank you very much.

Commissioner Flemming. Do you have anything further? Commissioner Horn?

Commissioner Horn. Mr. Foster, just to review one aspect and clarify part of your testimony:

How many new faculty did you have in the fall of 1974, which is when the impact of desegregation occurred?

Mr. Foster. The only new faculty I had were those that became necessary due to the increased number of students.

The year prior to this we had approximately 1,050 students. And with the expectation of 1,535, we were given approximately 8 new faculty. And they were provisional teachers.

Commissioner Horn. You mentioned in response to Mr. Alexander's question, that you had worked in the summer to help familiarize the staff, sensitize them to the human relations aspect, and that the staff had volunteered to participate in some of these endeavors. Could you describe what part of the summer and were the new faculty involved in that endeavor?

Mr. Foster. In reference to human relations training—this was done prior to June.

Dorothy Cash ran this program for the city of Boston, and the majority of my faculty volunteered to do this without reimbursement. And later on during the summer, that program was reimbursed, and people who did go to it received a stipend for having done so.

Then, when school opened up and the teacher reported to duty during that period of time before the kids came to school on the 12th, we had this type of human relations involvement within the school.

Commissioner Horn. In other words, there were really no special programs outside of the collective bargaining contract, in terms of desegregation. They either occurred after the contract required teachers to attend and before school began, or they had occurred the previous spring prior to when school ended.

Mr. Foster. That is correct. Now in getting reference to the summer involvement, this was relative to record and data processing activities, and heads of the departments coming in, assigning classes to their faculties.

Commissioner Horn. So the heads of the departments came in during the summer, even though under the contract they didn't have to?

Mr. Foster. They did this gratis in the beginning, but later on I was able to get a stipend for them. We didn't know whether we would or would not be paid.

Commissioner Horn. I don't know if you heard my question this morning when this contract came to light, but what I am particularly curious about is the limitations that such a collective bargaining agreement places on a school system, especially in the summer period, or preschool period when much work needs to be done if a desegregation order is to be effectively carried out.

And I just wonder what are your reflections as to the limitations, if any, that such a contract places on you as a school administrator?

Mr. Foster. It is a tremendous burden to have to go through. Today is June the 16th. For Phase II I do not know the name of one pupil that will be attending the Jeremiah E. Burke High School.

Also, the Jeremiah E. Burke High School will be part of District 5, which is the Dorchester District. And within that district there are two high schools: the Burke and Dorchester High School. Also in that district there are some geocode assignments, and I do not know what geocode will be assigned to Jeremiah E. Burke High School. So I am roughly a month and a half or 2 months behind last year's scheduling.

COMMISSIONER HORN. In other words, what this boils down to, since you do not yet know your scheduling for Phase II, and school is required to start at a certain time, if you were to properly prepare your staff—although your staff, based on all the testimony you and the parents and your faculty have given, seems to be especially well prepared.

But, let's take other schools in the Boston system. In order to properly prepare the staff and sensitize them to new problems, new considerations, new opportunities that they will confront under desegregation, either the school year in terms of the learning experience for students, must be postponed so the staff can have 1 week, 2 weeks, 3 weeks of specialized training, or special funds must be found from either local, State, or national government, because of that collective bargaining contract, to bring individuals back early to have such training.

Are those the options?

MR. FOSTER. Yes, they are. But I also heard Mr. Coakley's testimony earlier this morning, and the question addressed to him was, when could this be more effectively done?

COMMISSIONER HORN. I asked him, "Given your experience in the school system, when should a court issue an order on desegregation in order that all of these factors can be taken into account and the September or fall school period can begin?"

What is your advice?

MR. FOSTER. I concur with his comment, that roughly around February. And this could be done so that every parent had to take every kid and register them in the school. Then you get to know both the parent and the kid. Then you get to really start your parental group and your biracial groups. You would be a lot more effective, I think.

COMMISSIONER HORN. In other words, one of our problems here is the administrative chaos and uncertainty caused by the lateness of the court order?

MR. FOSTER. That is right.

COMMISSIONER HORN. Thank you.

CHAIRMAN FLEMMING. Commissioner Rankin?

COMMISSIONER RANKIN. Mr. Foster, do you have any part in the selection of your teaching staff?

MR. FOSTER. No.

COMMISSIONER RANKIN. Would you like to have?

MR. FOSTER. I certainly would, yes.

COMMISSIONER RANKIN. Wouldn't you be willing to take over any school in Boston, if you would have the liberty to select the teaching staff and you could make things work?

MR. FOSTER. Yes.

Commissioner Rankin. That is the importance of the staff, is that what you are trying to tell me?

Mr. Foster. Correct. The headmaster is given the responsibility for running that school. And when he organizes that school, his organizational development, I think, should be adhered to and finalized.

Because if something happens in the school, he is going to be right at the position of blame. But if he can organize the school the way he thinks it should be organized, then rightfully so later on, he has to accept the blame.

Commissioner Rankin. Now that is true of Mr. Foster in his school. Would you be willing to use that same system for every school in Boston? Do you think it would work?

Mr. Foster. There are other criteria that we have left out, too.

The school is located in a community and you can't control the sensitivities of the periphery around that school. And it is an unknown. But if the school itself, I think—

Commissioner Rankin. But if you have a good faculty it will go a long way toward making it work, irrespective of the area in which the school is located, is that true?

Mr. Foster. Yes.

Commissioner Rankin. Well, I am pleased that you put that much importance on the staff, and I hope you can get the type of staff you want. Maybe if you write a letter, you might get—

Mr. Foster. Commissioner Rankin, I have that staff, and God willing, I will be able to keep them.

Commissioner Rankin. But can you keep them?

Mr. Foster. Right.

Commissioner Rankin. Good. The next thing, I don't know whether you know what is taking place in colleges today. It used to be when I was in school, 10 percent of the students made A in the course. In college today, 50 to 60 percent make A and Bs.

Did you know that?

Now I noticed in your letter, they liked the teachers because, they used the term "hard." I don't mean difficult, I mean they expected work out of the students.

What happened to teachers today?

Mr. Foster. I will pass on that question. I can't answer that.

[Laughter.]

Commissioner Rankin. Surmise. Make a guess.

Is this a permissive age today?

Chairman Flemming. Mr. Rankin, you see, Mr. Foster has got a good faculty, as he has already indicated to you. So he might generalize from there.

Commissioner Rankin. Well, he better not judge his new faculty by how many As and Bs they have, because all of them have that.

Mr. Foster. I think faculty is judged upon the product that comes out of that classroom.

Commissioner Rankin. That is right. I do, too.

Mr. Foster. In other words, if the kids come out and they are happy and they feel a sense of belonging, and also they feel they have someone upon—you know, that they can unload to. We have a faculty—the majority of the faculty are these kind of people. The kids can go to them and just say, "Hey, I'm having trouble." Or—you know.

Commissioner Rankin. And I would say one other thing. They teach inside the classroom, and teach outside the classroom, too, isn't that true?

Mr. Foster. That is correct.

Commissioner Rankin. Fine. Thank you.

Chairman Flemming. Commissioner Saltzman?

Commissioner Saltzman. Headmaster Foster, were there any students suspended in the course of last year?

Mr. Foster. Yes.

Commissioner Saltzman. Can you indicate numbers and white or black and the reasons?

Mr. Foster. Here is the reason. Within this handbook there are rules that have to be followed. Any students that are not following these rules as stipulated, black or white, will be suspended.

Now we had six class deans. These are younger people.

Commissioner Saltzman. Six—I'm sorry.

Mr. Foster. Six class deans. The way we set up the school, we have classroom teachers, homeroom teachers, and six class deans. And each class dean has approximately nine or ten homerooms.

When something happens in the classroom, it is the classroom teacher's responsibility to try to solve that problem either with herself or himself and that student, or take the next step and contact the parent by telephone or by written communication.

After this step, it is then referred to the homeroom teacher. And the homeroom teacher, in concert with the classroom teacher tries to effect the remediation.

If this is not successful, then going to the next step, which is the class dean. And usually the class dean will give the youngster two or three different opportunities.

And if the youngster doesn't make good that opportunity, society is governed by rules, and the youngster has to know that.

Commissioner Saltzman. Do you know how many students were suspended?

Mr. Foster. I don't have my statistics with me, but I could give this to you later on.

Commissioner Saltzman. And the ratio of blacks to whites?

Mr. Foster. Yes.

Commissioner Saltzman. I have one other question.

Do you know of any—

Chairman Flemming. Pardon me.

When that is available we will insert it in the record at this point.

Thank you.

Commissioner Saltzman. Do you know of any—from the three of you if I may ask this—of any intimidation or threats against white parents or children to keep them away from schools? Did you hear anything of that?

Mr. Foster. I have no knowledge of that.

Ms. Rowe. Neither have I.

Mr. Day. There were minor instances in the beginning of the year, of extortion and things like that. But I don't think anything major or serious, no.

Commissioner Saltzman. Thank you.

Chairman Flemming. Commissioner Ruiz?

Commissioner Ruiz. Ms. Rowe, because of your background as a Spanish teacher and black history teacher at Burke, I have a special empathy with relation to your teaching problems and the satisfaction you must experience from these interesting challenges.

Some earlier questions which I put to witnesses were directed to curriculum planning by institutions of higher learning in preparing teachers to call attention to educational needs of other ethnic linguistic minorities, sensitivity to history and language.

Do you feel that such preparation would be helpful in the process of learning ethnic and racial tensions within this community?

Ms. Rowe. Yes, I do. Mainly because in order to understand a person, you have to understand that person's background. You have to understand how he feels on certain issues.

Like, for the last couple of months I attended seminars. And one of the things that the leaders of the seminar emphasized was ethnic studies of other groups, culture groups. And they brought out the language barrier, which I thought was very important.

Even though they talked about Spanish-speaking people in terms of certain words meaning certain things to them and also to black people and also to white people as well. In other words—we also discussed, and I think—how black or other minority groups, or white people feel about certain terms or certain phrases or certain—in other words, for example, if a term is used—most of the terms whites use "groovy."

What does it mean when you say "groovy" to a white person? Do you understand what reaction you are going to get back from this person?

And we went through all the different types of ethnic groups and studied in terms of what is important to them. And also I think that language barrier is very important, also.

I think that teachers should prepare themselves for all different types of races; not primarily for one particular race.

For instance, if a person is white, why should he study only the white understanding or culture. He should study black, Puerto Rican, Italian, Irish, or whatever, so that he will be able to understand this particular person if you have any encounter with him.

Commissioner Ruiz. Do you believe that bilingual ethnic educational problems must be confronted directly because they constitute a significant problem within the educational fabric for full desegregation and integration?

Ms. Rowe. Yes, I do.

Commissioner Ruiz. Do you believe that this problem should be avoided as being irrelevant and not material?

Ms. Rowe. No.

Commissioner Ruiz. Thank you.

Chairman Flemming. In connection with Phase II, Mr. Foster, you have indicated that as of the present moment you do not know anything about the composition of your student body.

However, considering the provisions of Phase II, do you have some expectation that a fair percentage of the students who have been enrolled in your school this year, will probably be enrolled next year?

Mr. Foster. I know that my juniors of this year will be my seniors of next year; those who desire to return, and quite a few of them do express that desire, I will have them back. They guaranteed this right.

I have written a communication to Judge Garrity asking that any pupil in the Boston Public Schools, that has successfully integrated himself or herself within a school setting, be allowed to get back to that school by controlled transfer. And if this is accepted, then I might be able to get back a lot of the kids that I have this year.

Chairman Flemming. I assume that you haven't had a reply to that letter as yet, anyhow?

Mr. Foster. Not as yet.

Chairman Flemming. All right. But now considering those who were freshmen and sophomores this past year, on the basis of the experience that you have had with them, if they have a choice, which as I understand it, many of them would have, do you anticipate that a fairly good percentage of them will elect to return to the school?

Mr. Foster. Yes. Let me give you a couple of examples of this.

Last Monday, five girls walked into the office and they found out that they will now be going back to South Boston High School. And they asked was there any way in which they could return to Jeremiah Burke High School this year.

Chairman Flemming. In other words, some students now know what the assignment is going to be?

Mr. Foster. No, they just know that they are in a specific district. Within that district, there is a high school.

Chairman Flemming. But just summing it up, as you plan for the coming year, under Phase II, you feel that you will have the opportunity of building on the experiences that you have had in connection with Phase I in terms of having back in your student body some of the persons who have had the experiences that you have identified so effectively?

Mr. Foster. Looking at that junior group, who will be our seniors next year, they will be a stabilizing influence in the entire school community.

Chairman Flemming. May I ask, how many practice teachers participate in the program at Burke?

Mr. Foster. Well, during the—I know that I replied to a communication asking how many teachers we would accept—teachers in training we would accept from the various colleges. And each of my department heads has indicated a willingness to have these young people come to the school and be supervised by our faculty.

Chairman Flemming. Do you recall how many you had last year?

Mr. Foster. None, that I can recall.

Chairman Flemming. None.

Mr. Foster. None.

Chairman Flemming. Did—I assume from that, then, that none of the local institutions made any requests for assignment of their—

Mr. Foster. For the school year '74–75 was such a nebulous involvement, that I don't think there was too much commitment of colleges of sending young people for training to the schools.

Chairman Flemming. What was your experience the year before?

Mr. Foster. We had a goodly number, and they were well trained and they went back to colleges pretty well satisfied with what they received.

Chairman Flemming. In other words, is it fair to say that the local institutions avoided placing their student teachers in the school last year?

Mr. Foster. I don't have enough data to answer that question. I don't know that.

Chairman Flemming. All you know is that you didn't have any.

Mr. Foster. I didn't receive any, right.

Chairman Flemming. And all you know is that no local institution made any approach to your school with the end in view of placing practice teachers?

Mr. Foster. My recollection right now, I would say that as far as I know we didn't have any practice teachers this year.

Chairman Flemming. Going back to your past experiences when you did have practice teachers, what kind of a distribution was there as far as minority groups are concerned?

Mr. Foster. I think it was pretty well handled. We did have some minority folks in the building coming, because most of our kids, I think, were minority in the beginning, too, and we had some minority folks coming for training with them.

Chairman Flemming. Where did most of your student or practice teachers come from? What institution or institutions?

Mr. Foster. Boston State Teachers College, we received a few. And a few from Boston College. And Boston University as well. Those three, primarily.

Chairman Flemming. Under Phase II, the court has included in the order, a provision for a relationship between your school and one of the local institutions. Which one?

Mr. Foster. Boston State Teachers College. We got this off of the ground roughly a month ago. I met with them initially, came back to the faculty. We determined a self-needs assessment.

This was communicated to Boston State. A Boston State faculty of approximately 22 came to the building Monday afternoon, had coffee and tea and broke some bread with us, and then each of their separate departments met with our departments in special areas discussing the need, and then determining how we are going to build on that throughout the summer.

Chairman Flemming. What type of services, or what type of relationships do you anticipate between Boston State College and Burke?

Mr. Foster. Well, number one, they have a lot of resources that we are going to use.

Chairman Flemming. In what way? I mean what type of resources, and what way are they going to be used?

Mr. Foster. They have got a beautiful gymnasium I would like to use.

Secondly, they have got a—

Chairman Flemming. Could I interrupt there.

Have they indicated a willingness to make that gymnasium available?

Mr. Foster. Not yet, but we will be persuasive, I think.

Chairman Flemming. Okay. Go ahead, tell me about some other resources that you feel could improve the quality of education as far as you are concerned.

Mr. Foster. The English department at Boston State asked us the day before yesterday to send some of our faculty over there if we could spare them. And they were going to meet together to discuss mutual ways of effecting, you know, a closer curriculum and doing a better job with the kids. Also maybe using their facilities off campus for our kids.

Next, the math department has some tremendous machines and some basic skills programs we are looking at. And a representative of our math department went there yesterday to explore this.

So I think in my initial meeting with Boston State that they will do a great job with us.

Chairman Flemming. Who is taking the lead? Is it the chairman of their department of education, or what official at Boston State is taking the lead in working with you on this?

Mr. Foster. Mr. Rothamel is the liaison man for Boston State.

Chairman Flemming. How does he relate to Boston State?

Do you know what his position is there?

Mr. Foster. I think he is administrative assistant to the president of the college.

Chairman Flemming. Does Boston State have a department of education?

Mr. Foster. Yes.

Chairman Flemming. Do you, among other things, look forward to their possibly working out arrangements so that some of their student teachers will participate in the program at Burke?

Mr. Foster. This was part of our involvement. In other words, we asked them for certain things and in repayment for this, would accept their teachers for training at our school. Well let's face it, too, that Boston State will be with all of the schools in Dorchester, not just the Burke.

Chairman Flemming. Right.

Mr. Foster. So, therefore, they might have to spread themselves pretty thin.

Chairman Flemming. In your conversations with them, have they indicated that in order to carry out the intent of the order under Phase II, they will be up against some financial problem?

Mr. Foster. Yes. This was discussed.

Chairman Flemming. That didn't surprise you, I am sure of that.

Mr. Foster. No, it didn't at all.

Chairman Flemming. Now also under the order, one of the business institutions in the city has been identified as an institution that will have a relationship with you, is that correct?

Mr. Foster. We have established that relationship last September. It has been ongoing and will be ongoing.

Chairman Flemming. What is the company?

Mr. Foster. New England Mutual Life.

Chairman Flemming. What is then the nature of the relationship during the past academic year?

Mr. Foster. Well, it has been one of great positivity. We have sent faculty over there to look at what they can offer students in the business area. And we are looking forward to a liaison effort to see if we can use their facilities and send some of our business kids out there to use their resources.

Also, we have established with them this year, at least three or four internships. And it has been a very, very meaningful experience and they have done tremendous things for the Burke.

Chairman Flemming. Well on the basis of the experiences you have already had with Boston State College, and on the basis of the experiences that you have had with the insurance company, I gather you would feel that those portions of the court's order in connection with Phase II, are portions which hold out some possibility of making genuine contributions to raising the level of education in the schools as a result of those associations?

Mr. Foster. Yes, I agree with that.

Chairman Flemming. We certainly appreciate your testimony on this point.

I think Commissioner Horn has a question. But just before I recognize him again, I just want to say that the story that is unfolding here as a result of the questions which we have addressed to you is certainly a story of a very positive approach to a difficult situation. Positive on your part as the headmaster, positive on the part of key members of your faculty, and certainly positive as far as the parents are concerned.

We are going to have the opportunity of listening to testimony from some of the students before the end of the afternoon.

But let me just ask this: Can you identify any segment of the community of which you are a part, where you would like to see a more positive approach, a more helpful approach?

Now you have identified segments of the community where you have received a great deal of help. But what we are doing here, we are trying to probe, but not just in terms of your school or Boston, but to probe to see what kind of findings and recommendations we can make generally.

So if there are any weak spots in the picture, particularly in terms of community support, if you identified them, it might be helpful to us as we take a look at the total picture.

Mr. Foster. This year we have had an opportunity of extending ourselves up into the Savin Hill area, the Upham's Corner area, and maybe the Felix Corner area of Dorchester. And in mine, within that area, there are some community agencies.

And we are trying to look at the Jeremiah E. Burke High School student population, as well as being concerned about a service orientation. In other words, looking out there and saying, "Hey, what have you got out there that you need from us?"

For example, day care centers; maybe some folks who are mentally retarded; maybe some Golden Agers who can't feed themselves, no one to do errands for them; and maybe some blind folks that somebody has to read to them.

We are looking out there and hoping, if the needs are out there, we can develop within the school, some learning action curriculum approaches.

Maybe now this could be done nationally. In other words, if someone came up with a national human service agency and kids could get paid for this just like the old CC Corps years ago. Then I think, if you look at young people, I think young people looking at older people, they relate pretty well with their grandparents—not maybe their mothers and fathers, it is a different relationship. But out beyond this there is real love and affection for the, you know, the old folks, and they, in turn, for the younger kids.

And if you can get those two forces and pull them in towards the center, then I think you can get young kids to look beyond themselves and forget their hangups and forget their racism and say, "Hey, folks out there need us and we need them and then perhaps we can keep things going."

Chairman Flemming. What you have just said could be applied anyplace in this nation.

And what you have said about the affinity between the young people and the older persons is certainly correct. This has been demonstrated time and again throughout the Nation. Sometimes some of us say rather facetiously, the reason is that the young and the older persons have a common enemy, namely the middle aged. And the middle aged try to look down on the young people as well as the older person.

But, going back to my basic question, I appreciated your answer because you, in effect, said, or are saying, that if the educational institution is going to get the help and support of the community, one of the things that it can do is to think in terms of the services it can render the broader community. Not just those who happen to be enrolled as students, but the services it can render to the broader community.

MR. FOSTER. But the headmaster has to be at that spearpoint. He has to be able to get out there to do it. If he is constrained in his school with taking care of all of the sundry problems that he has to identify with day after day, he doesn't have the time to get out there.

But if he can organize his staff and have enough administrative help, he can get out there and get these things going. And that is his role, I think, to be the catalyst to get this thing started.

CHAIRMAN FLEMMING. Commissioner Horn?

COMMISSIONER HORN. Let me just say, I completely agree with this latter exchange, as one who has tried to use the community as a learning laboratory.

And I think the universities and colleges nationally have a long way to go in the preparation of teachers and their own faculty so that they will know how to relate theory and practice, and not simply deal with the replication of footnotes and textbooks.

But first, to clean up an exchange between Commissioner Flemming and you, I would like, at this point in the record, to have an exhibit prepared by the Counsel, requesting of the Boston School Department, for the years '73–74, and '74–75, the number of student-teacher practitioners, teaching assistants, whatever you want to call it, who were in the Boston schools by school and by race, to see what the differences were for that period.

I think it is very sad when the universities aren't utilizing this experience, as traumatic as it might seem to many of them, to sensitize their teachers as to the needs for urban education.

Number two, I would like to follow up on an—

CHAIRMAN FLEMMING. Thank you very much for that suggestion, and without objection, I would like the record to show that the staff will request that data from the Boston School Committee. I think it can be very helpful in evaluating this overall picture, because it could identify some symptoms that we might want to consider as we work on our findings and recommendations.

COMMISSIONER HORN. Now number two, in an exchange with Commissioner Rankin, you noted that certainly one of the products of, say, high schools, ought to be that the students come out with a sense of belonging.

I wonder if you or your colleagues in the schools would like to comment on the degree to which cognitive learning should be encouraged; how one might measure achievement in this area?

The basis for that question goes to the national statistics that show increasingly in the urban areas, whether it be upper class, middle class, lower economic class, there is a dramatic falloff in reading scores and other cognitive levels of achievement compared to what they were, perhaps, 10 years ago.

Do you have any feelings on that aspect of the school system?

MR. FOSTER. Yes.

Superintendent Leary, when he first took his office, he addressed himself to this. And he indicated he was very dissatisfied with the reading scores of the city of Boston. He was also dissatisfied with the lack of knowledge of basic skills in computation, also communication. And he asked the principals and headmasters to look at this and try to do something about it.

We at the Jeremiah E. Burke High School looked at our curricula and we tried to give every student, grades 9, 10, 11, and 12, as much exposure as possible in both English as an approach to understanding the language itself; also in increasing opportunities for reading to developmental reading through all grade levels, 9, 10, 11, and 12; also we gave extra English in grades 9, 10, 11, and 12.

COMMISSIONER HORN. One of the things that you and your colleagues have stressed, that impresses me—and it impressed me in 1970 when I first saw it in an integrated school and I believed it is certainly some of the keys to success ever since—is the degree to which there is effective school leadership within the school, and initiative on the part of the principal, headmaster, or principal administrator there, and the degree to which there is effective discipline that is administered impartially without regard to race.

And you certainly stressed those points. And, of course, you have stressed some very positive accomplishments.

And I just wonder, as you reflect on the past year, do you feel the story of the Burke School has been told adequately in either the local media or the national media? The Nation has heard about South Boston, but they haven't heard much about the Burke School, is my impression. But you are much closer to it.

MR. FOSTER. Let me respond to this by reading something in the *Boston Globe*, given in the *Boston Globe*. This is titled, "Prove Their Point."

> During these past few months of turmoil in some of our schools, representatives of the administration, the student body, and the parents of the Jeremiah E. Burke High School of Dorchester have been meeting periodically at St. Kevin's Center in Upham's Corner. They wanted to prove that people of various ethnic

> origins can learn and work together; that a means of communication can be created between parent, student, teachers, and administrators; and that we can promote an environment of understanding so the best available education may be offered to all children.
>
> Friday afternoon, December 20, they proved their point. The junior class and the Multi-ethnic Council sponsored a Christmas Dinner for the senior citizens—black, white, and in between—of the community. The students raised the money, prepared the food, coordinated the transportation, decorated the cafeteria, and served the dinner.
>
> Their hospitality, their conduct, and entertainment were heartwarming.
>
> A typical comment of the guest was: "And to think that I was afraid to come up. I had such a marvelous time."
>
> Worthy of special mention for their imagination and initiative in a time of crime and crisis, uncommon too, are the following.

And all these names are mentioned.

Now prior to that going on in the school, Mr. Trask, our public relations man, communicated with all the media. Every single TV station was communicated with, as were several papers. Channel 7 came, and a channel 7 photographer spent over an hour.

And we looked at TV that night, and I think it was on roughly for 25 seconds.

And this was after a lot of people were alerted, because if folks are doing a good job on the school, I think they want a little pat on the back, too. It helps. It helps to get ready for the next time you fall flat on your face.

We didn't get that. I don't know why, but I think we were deserving of it.

Commissioner Horn. What you cited, is that an editorial in the *Boston Globe*?

Mr. Foster. No, this is a letter to the editor. And this was signed by Father Keas (phonetic).

Commissioner Horn. In other words, the *Boston Globe* in neither its editorial page, nor its news coverage, cited the positive aspects at Burke during the year, or did they?

Mr. Foster. Well, there were a couple of articles. There was one good article in the *Globe* relative to what was happening in the Jeremiah E. Burke High School.

Commissioner Horn. That did concentrate only on your school and showed the positive aspects?

Mr. Foster. The good, positive aspects of the school, yes.

Commissioner Horn. And with the exception of channel 7 that filmed that particular event, showed 25 seconds on the air, there was no television coverage of what is going on at Burke this year? To your knowledge?

Mr. Foster. To my knowledge.

Commissioner Horn. That is the local media. And you saw none on the national media?

Mr. Foster. We were alerted one day, that perhaps Mike Douglas might be coming to town and looking at the school, but it never materialized.

Commissioner Horn. Thank you very much.

Chairman Flemming. Are there any other questions? If not, thanks so much. We are grateful to you for the testimony, and we appreciate it.

Mr. Foster. Excuse me, please. It is not Mike Douglas, it is Mr. Wallace.

Chairman Flemming. Mike Wallace?

Mr. Foster. Mike Wallace.

Chairman Flemming. Both white.

Mr. Foster. Both white.

Chairman Flemming. That is right.

We certainly appreciate this testimony very much and we commend you, the faculty, and the students, and the community leaders, and the parents for this very positive approach to dealing with this constitutional issue.

Thank you very much.

Mr. Foster. Thank you, Mr. Chairman.

Chairman Flemming. The Counsel will call the next witnesses.

Mr. Alexander. Paul Mooney and Jan Douglas, please.

Chairman Flemming. Would you please stand and raise your right hands.

[Whereupon, Paul Mooney and Jan Douglas were sworn by Chairman Flemming.]

TESTIMONY OF PAUL MOONEY AND JAN DOUGLAS, STUDENTS, JEREMIAH E. BURKE HIGH SCHOOL

Chairman Flemming. Thank you very much.

Mr. Alexander. Starting with Ms. Douglas, would you each identify yourself, tell us where you went to school this past year, and what community you live in?

Ms. Douglas. My name is Jan Douglas and I live at 148 Seaver Street, and that is Roxbury. And for the past year I have gone to Jeremiah Burke School in Dorchester.

Chairman Flemming. Is that mike on, at the witness stand?

Mr. Alexander. Would you put it a little closer towards you? Just repeat it.

Ms. Douglas. My name is Jan Douglas, and I live at 148 Seaver Street in Roxbury. And I attended, this year, the Jeremiah Burke High in Dorchester.

Mr. Alexander. Mr. Mooney?

Mr. Mooney. My name is Paul Mooney, and I live at 319 Columbia Road in Dorchester. For the past year I have attended Jeremiah E. Burke High School in Dorchester.

Mr. Alexander. What other high schools have you attended?

Mr. Mooney. Dorchester High School.

Mr. Alexander. What type of racial breakdown was there in Dorchester High School?

Mr. Mooney. At Dorchester High School the breakdown was approximately 60 to 70 percent black; 25, 20 percent white; and the rest was Spanish, other, Asian.

Mr. Alexander. That was your district high school at that time?

Mr. Mooney. Yes, at that time it was.

Mr. Alexander. The community you live in today is predominantly black, is that correct?

Mr. Mooney. True.

Mr. Alexander. How long has your family lived there?

Mr. Mooney. Twelve years.

Mr. Alexander. When you moved there originally, what—

Mr. Mooney. It was mostly white.

Mr. Alexander. Has there ever been any thought of fleeing to the suburbs in your family?

Mr. Mooney. No, not really. We figured we would just sit there, because it is the house we wanted, and it is the neighborhood we wanted to live in.

Mr. Alexander. What were your feelings when you were told you were being transferred to the Jeremiah E. Burke High School this past year?

Mr. Mooney. I was frightened.

Mr. Alexander. Why?

Mr. Mooney. Because I had lived in the area and I knew just what the area was like up in Grove Hall where the school is. And I was scared. I was afraid that my life was in danger going up there.

Mr. Alexander. What happened when you got there?

Mr. Mooney. It was a turnaround, complete turnaround. There was nothing, really, to be afraid of. There weren't too many friends there that I had known from other schools, but everyone worked together and helped each other, and everything went along smoothly.

Mr. Alexander. Ms. Douglas, have you gone to the Jeremiah Burke through your whole high school career?

Ms. Douglas. Yes, I have.

Mr. Alexander. What was your feeling when you heard the school was to be desegregated this coming year?

Ms. Douglas. Mostly it was a feeling of fear, of whether or not the school year would be continued without any disruptions, and a feeling of uncertainty because at first none of the students knew where they would be sent. And I have gone to the Burke my whole high school career and, you know, when you go to school with your friends, you want to graduate with your friends; and we didn't know exactly who would be there.

Mr. Alexander. Did you, or other students that knew they were coming back to Burke, do anything specifically about preparing yourselves or getting involved in the school in the spring and the fall of last year?

Ms. Douglas. They had committees to welcome the incoming students to Jerry; mainly teachers and seniors were involved in this type action. We really didn't care too much about the desegregation part, just as long as we could get along.

Mr. Alexander. Well, how did you find the school in the fall when you got there?

Ms. Douglas. At first it was—everybody was kind of scared because no one had really talked to each other to know where each other stood. Everybody was kind of walking around each other. And as the year progressed, we talked and we got to understanding, and we found, like a common ground.

Mr. Alexander. What were the common grounds?

Ms. Douglas. That we had all come to Jerry for one thing, and that was to get a quality education and that in doing so, we would do it together.

Mr. Alexander. Paul, what was your experience coming to Burke this fall? What did you find?

Mr. Mooney. I found the courses to be a little bit limited as far as school goes. Dorchester High did have more advanced studies in biology and other courses.

I did end up with some junior classes, but I transferred out. I stuck with a few, computer programming, which I didn't have any opportunity of getting at Dorchester High School. But I took it because later on if I wanted to get a job it was a good thing to have. But, everyone got along great. We worked together.

As far as fighting goes, there weren't any big fights over anything racially. It was—maybe a fight would be between two black boys over a black girl, a normal thing, where two boys are going to fight over a girl; or two girls fight over a boy. That is it. There weren't any big fights between the whites and the blacks. Everyone got along really great.

Mr. Alexander. How long did it take before the fears receded and the students began talking to each other and interacting?

Mr. Mooney. I would say about 2 months, really.

Mr. Alexander. What influence did the activities in the other parts of the city which you saw on the evening news every night have on the attitudes of the students?

Mr. Mooney. I think the students were mad for the one reason that the Burke wasn't in the news. We were neutral as far as fighting goes. It was always South Boston with their fights with the whites and the blacks; or Hyde Park. Or someone is getting beat over here or over there.

But the Burke was totally neutral and we were really upset that we were, at that time we felt, the best school going. And it turned out to be the best school because of our neutrality.

Mr. Alexander. Ms. Douglas, do you want to comment on that? The effect of things going on in other parts of the city, on students' attitudes, of fears at the Burke; your own personal feelings?

Ms. Douglas. We had a very big meeting, a whole school meeting at the beginning of school. And at the meeting a lot of feelings, all feelings were brought out about each other. When I say each other, I mean the black and the white students in relation to the teachers.

And really, everyone, all they wanted to do was come to school, you know, without any problems, and get along and have a nice time. You know, and we felt like the whole city was looking at us as an example.

And we weren't animals, we were people and we wanted to give the impression that, you know, we are people. And if we can sit down and talk and understand each other, and understand your sensitivities and mine, and if we can, you know, compromise, then, you know, we can work.

And that is what happened, we worked very well together with the teachers. And what really sort of made me mad about the whole school year, was all the good things that happened at Jerry, no one—you know, it was never brought out. It was, you know—within the school it was brought out, but in the community and the whole city of Boston, the media just kept the bad things that were happening about desegregation in the schools.

And in a way it made me mad because it seemed like the whole media was geared to nothing but the bad parts of desegregation and the bad parts of the schools.

Mr. Alexander. You have graduated recently, is that correct?

Ms. Douglas. Yes.

Mr. Alexander. What are your career plans?

Ms. Douglas. I plan to attend Fisk University in Nashville, Tennessee, and I plan to major in communications and medicine.

Mr. Alexander. Paul?

Mr. Mooney. Well, I will be attending Boston State College in the fall, and later on I plan to transfer over to veterinarian school where I will take up veterinarian medicine.

Mr. Alexander. You both played a role in relation to graduation, I understand. Briefly tell me what you did, Jan, in organizing for Senior Day?

Ms. Douglas. Well, my role was the organizer. And when I say the organizer, I more or less put everything together with the help of the teachers and a certain group of students, senior students in the school.

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Mr. Alexander. Was this a biracial effort?

Ms. Douglas. I wouldn't call it biracial because it was just people, you know, together. And we weren't concerned with how many whites were participating, we weren't concerned on how many blacks. We were just concerned that our Senior Class Day, Class Night, came off very well.

Mr. Alexander. And did it?

Ms. Douglas. In fact, it did.

Mr. Alexander. Paul, I understand you were valedictorian of the high school class.

Mr. Mooney. Right.

Mr. Alexander. You made a brief statement at graduation. Could you just summarize that for us?

I would like to, Mr. Chairman, submit that for the record.

Chairman Flemming. Without objection it will be entered as exhibit no. 8.

[The document referred to was marked exhibit no. 8 for identification and received in evidence.]

Mr. Mooney. It was my speech, my graduating speech, and I started off saying:

> You know how most kids, especially boys, want to be like one of their parents. Well, I am no different, I wanted to go to the same school that my father did, and graduate from the same high school, which happens to be Dorchester High School. Then the desegregation law came along and changed all my plans and I ended up at the Burke High School. Even though all my plans have been changed all around, I still feel that the Jeremiah E. Burke High School is the best school, best high school.
>
> This year for me hasn't been just my final year in high school, but it has also been truly the best year of my high school years. The reason for this is because while all other high schools were having their racial problems and fighting, we at the Burke were staying cool and keeping everything together.
>
> I feel that everyone at the Burke has helped to keep everything together and working smoothly.
>
> What struck me the most was that the school was practically new to most of the student body. To some students, the environment was also new. But everyone opened his friendship to one another and that seemed strange for this type of situation. But we did it.
>
> And now, not only can we say that we are proud of the Jeremiah Burke High School, but we can also say that the high school is proud of us.
>
> And I hope that everyone continues as well for the future.

Mr. Alexander. Thank you. No further questions.

Chairman Flemming. Commissioner Rankin?

Commissioner Rankin. I want to compliment you on your attitude, what you did as seniors in your school. Do you think it will be carried on to the juniors? I noticed that Mr. Foster said the juniors are going to be allowed to return to Burke if they so desire. Do you think you have set an example that the juniors—you know the juniors pretty well—are they going to follow in your footsteps?

Mr. Mooney. Definitely.

Commissioner Rankin. Do you think so, Jan?

Ms. Douglas. I think that we set a good enough example that they would like to follow it.

Commissioner Rankin. Even in spite, if the rest of the student body is largely new, they can carry on your spirit and your feeling?

Ms. Douglas. I think the key there is school spirit. I think that really helped us in the school year, wanting to be together to have fun. That is what I think will hold it together.

Commissioner Rankin. Did you have respect for your faculty there?

Ms. Douglas. I respected them and I looked up to them. I respected those who respected me in turn.

Mr. Mooney. Same here.

Commissioner Rankin. Okay, thank you.

Chairman Flemming. Thank you. Commissioner Saltzman?

Commissioner Saltzman. What are the benefits that desegregation has had, as you understand it, for quality education?

Ms. Douglas. The benefits of a quality education, I feel in desegregation, are that you are educated alongside of every other American child. You are not educated just about yourself, you are educated to what they are, who they are, what they are about, just as they are educated about yourself.

You can not only learn in your community, but you can go out into another community and learn what they have to offer in their schools, because not all schools can give the same program academically.

If in Wellesley or Lexington they offer a course in Arabic and in Roxbury they don't, and I want to pursue that language, I think that I should have the right to go to that school and learn it, because I want to. And I don't think anyone's desire to learn should be stifled.

Commissioner Saltzman. Paul? Do you find any additional benefits?

Mr. Mooney. Well, the one main benefit I know of is that we get to live together with one another. It is not just all whites living with all whites. It is everybody together, all races, colors, creeds, and religions and that is the one main benefit I see.

Commissioner Saltzman. Do you think busing, when necessary, should be used to accomplish desegregation?

Mr. Mooney. I would say yes, because you are not going to have people voluntarily going to an area which they don't know about. But it will only take the first few steps for busing, that is all you need; a

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year or two, and people go around to voluntarily do it without the buses.

Commissioner Saltzman. Are you in favor of busing, too, Jan?

Ms. Douglas. Yes, because to me this whole busing thing, I don't look at it the way some people do. I look at it as a means of going to the place where I am to be educated. I don't look at it as forced, coming into my home. I don't look at it as the government telling me when and where to go. I look at it as an opportunity.

Commissioner Saltzman. Did you find in this past year any differences, or do you believe there is any difference in the drug problem in your school, between your school and other schools?

Ms. Douglas. The drug problem?

Commissioner Saltzman. Yes. Is there a drug problem?

Ms. Douglas. We have a drug education class in our school, and there really isn't—I get around in my school, I get around very well, and I know a lot of people. I know all types of people in the school, and I don't feel that there is a drug problem there in my school. I don't feel that it has ever posed a hazard in my school.

In all schools you are going to have someone that indulges. And that is just a fact, and sometimes you just have to accept it. But I don't feel that there is any great drug problem in our school.

Commissioner Saltzman. What I am driving at is, has the school spirit engendered by the cooperative effort that you have undertaken as a student body had an impact that lessened the significance of the usage of drugs in your school over other schools where perhaps that same school spirit wasn't developed?

Ms. Douglas. Yes, because if you are running track, you can't smoke. And right there, you know, you want to run track, so you can't smoke, so you don't.

And taking drugs, you can't hit a baseball if you just, you know, put a hypodermic needle in your arm. You can't do it. So, in Jerry there is a lot of people who are really motivated toward sports, and the school spirit, so they don't have time for that and they can't do it. So that lessens the desire to do it.

Commissioner Saltzman. So that would be another additional benefit accruing to the desegregation and the cooperation and the development of school spirit in your school?

Ms. Douglas. Yes.

Commissioner Saltzman. Thank you.

Chairman Flemming. Commissioner Ruiz?

Commissioner Ruiz. You can't hit a baseball when it divides into two baseballs coming at you, can you?

Ms. Douglas. Certainly not.

Commissioner Ruiz. Both of you have been very inspirational to this senior citizen. I particularly was impressed with the observations of Jan Douglas when she said, "We didn't get together on a biracial basis."

The older generation is oftentimes thinking in terms of people with differences and getting together.

You, to whom the torch is passed, are thinking in terms of human beings getting together without thought whatsoever of biracialism. I want to congratulate both of you.

Chairman Flemming. Commissioner Freeman?

Commissioner Freeman. I have been impressed by your sincerity and what I would like to know is, it seems to me that you have—have had experiences from which a lot of other schools could learn.

Would you be willing, if invited to do so by the appropriate school officials, to probably share some of your experiences with—and tell some of the other schools, faculty and students, how to make it work, if you were invited to go to some of the other schools over the summer before you go to Fisk and before you go to college here?

Ms. Douglas. If I am invited as Jan and not as a specimen, sure.

Commissioner Freeman. No, I mean the two of you. I mean the two of you. Obviously, in the climate that seems to have prevailed, whatever is happening good at Burke is a specimen. It is a demonstration that is certainly not the norm. And sometimes, where there is leadership, and unfortunately, you say the story has not been told, it is not reported in the media, maybe hopefully some of the media heard it here and will report it.

But still, it will take a little bit to get the message across to the rest of the city. What we are just—we are looking for answers, and you—and what we have heard from the parents and the faculty of this school would seem to be one of the answers. We just wanted to pursue this, to say, share your wisdom.

And again, I am impressed with the fact that perhaps, Mr. Chairman, the young shall lead us. Thank you.

Chairman Flemming. Just before I recognize Commissioner Horn, apparently John Buggs has a question or an observation.

Mr. Buggs. I thought perhaps Commissioner Freeman was looking at a couple of notes I wrote here.

Commissioner Freeman. No, I wasn't.

Mr. Buggs. I know you weren't. We were thinking the same way.

I want to just follow up in this way.

It would seem to me very strange if, during the course of this year, neither of you had had an opportunity to talk with persons of your own age and your same kinds of category, high school students, and particularly high school seniors, from other schools who had difficulties. Did you have such conversations with such students?

Mr. Mooney. No.

Mr. Buggs. Never got a chance to say to people from South Boston High, or any of the other schools, what a great experience you were having?

Mr. Mooney. I, myself, have talked with other students from Dorchester High School, because I visited the school several times during the year. And I have talked to some of my old friends, and they were amazed at what was going on at the Burke.

Mr. Buggs. Aside from being amazed, did they give any indication at all that they were a little envious of the experience that you had had? Did they want to share some of those experiences?

What about you, Jan?

Ms. Douglas. I know many people who were trying to transfer from their schools to Burke, because of Jerry's capability to get things done. And I know people who were jealous of our school.

Mr. Buggs. But did they have any desire to try to create the same kind of atmosphere in their own institutions?

Ms. Douglas. Yes. I know of a girl who attends Dorchester High, and we were classmates for 3 years. And she was transferred out. And we met one day and we were talking about what was happening in our schools, and I was bragging, you know, about my school, what we were doing and how well everything was coming along. And she said, "Well, who started it?" And, "What"—you know—"exactly what went on?"

And after we talked, she became president, I believe, of the class, senior class at Dorchester. And she began to plan and work in the same way we have.

Mr. Buggs. Did they ever share with you some of the reasons why they felt things were not going so well at their schools?

Ms. Douglas. Mainly scared, not willing to sit down and talk, not interested, just this year I am going to be here, and things like that.

Chairman Flemming. Commissioner Horn?

Commissioner Horn. There are students in colleges and high schools all over the country, whether they are rich or poor or black or white, who sort of just drift through school, and they don't really know the value of an education. And I wonder if either of you—I know Paul came from another high school to Burke; and Jan, I am not quite clear whether you were at Burke for your whole high school experience—you were there.

I wondered if either of you had seen other students who might have been in that category, sort of just drifting along, not placing much value on education, change their attitudes as a result of their experience of being at Burke?

And to what do you attribute that: the peer group pressure, the faculty, or what combination of factors?

Ms. Douglas. Well, I know some students like that, and they became very involved in the school and the activities. And I attribute it to the interest of the teachers in the students; the interest of the faculty all together, the aides, the parents, the headmaster, and the fellow students all being interested in someone who was willing to step out from the crowd and do something, and really want to learn.

And I think—I know of three students in particular, who really changed from just, "I go to school because I have to," to, "I go to school because something is happening there, and I want to know about it."

Commissioner Horn. Paul, do you have any feelings on this?

Mr. Mooney. I know of one student in particular, who was nothing but a drifter, right through. And I went to school with him in Dorchester High, too.

And when he got to the Burke, he was—he didn't want to go to school. All he wanted to do was sleep. He didn't care about education or anything. He gets to the Burke, and after a while he changed, because he wanted to get into the sports, and the only way into the sports is to keep up your grades. And that means paying attention, waking up in class, and get the spirit.

And that is just what happened to him. He did change around. He might not totally be out of that drifting position, but he did work his way up from where he was.

Commissioner Horn. We have heard from the headmaster and the faculty at Burke that the discipline code was made available to everybody, so all students knew the ground rules once they entered Burke, and that it was followed. And that some students, black and white, as the case may be, were suspended when violations of that code occurred. Do you feel that the discipline code pursued at Burke was a fair one?

Mr. Mooney. At the Burke this year I have noticed that when problems arise between two students—I have had a case where it happened between myself and another student—a little argument comes around because of something getting thrown, the teachers are not automatically going to stand up and say, "Okay, you are both suspended for fighting or arguing," where in other schools, automatically you were suspended for fighting.

They worked it out, worked out the problem and found out just what happened. And if suspension did come around, it would have a turnabout point of, you know, sending the kid home and having his parents come up so they could talk to them.

They went around to talking to the parents first, if they could. But if the kid was a trouble kid, he would be suspended. But they did get around to talking to the parents. But they were a little bit more liberal than I have seen as in Dorchester High or other schools. So, it was the teachers working with students to figure out problems.

Commissioner Horn. Jan, do you have any feelings on that?

Ms. Douglas. The discipline—I feel discipline is a way of teaching you, if I am correct. That is what discipline is about, is to teach you better.

And I have thought that the discipline at Burke was as fair as can be with humans. And we are not perfect.

And, the only thing that upset the Burke about discipline, or any actions about any disruptions, was the bringing of police in the school. And that just totally disrupted everyone in school. They felt nervous; there was a challenge to mess with the police; there was that, "I'm going to get hit over the head." There was that feeling, "Now what are they doing here."

And I don't feel that police should be in the schools unless absolutely necessary. I don't think they should show their face in any of the schools at all unless absolutely necessary. Because then you will have more problems than if they weren't there. The police weren't really that much in Jerry during the school year, and I thank God they weren't.

Commissioner Horn. Let me ask both of you, those students that you know who were suspended, was it a long time, couple of days, weeks, semester, what?

Ms. Douglas. It all depends on, really, what they did. I have known people to get suspended for smoking in the bathroom, 3 days. I have known people to get suspended for cursing the teacher out, a week. I have known people to get suspended for longer than that. It all really depended on what you did.

Commissioner Horn. Do you think it helped straighten the particular student out, so when they came back they no longer smoked, cursed the teacher, or committed other acts like that?

Ms. Douglas. Well, suspension is a scary thing. The faculty makes it their business to make it scary to you so you don't ever want it to happen again.

The only—I think it sort of makes you feel like, they are watching me and that is on my record, and I don't want it to happen again, and it wasn't worth it. It gives you a feeling that it wasn't worth me coming home 3 days, it wasn't worth me getting it wrote down on my record, whatever I did. It wasn't worth it. That feeling, I think, teaches you that you don't want to get suspended again.

Commissioner Horn. Do you think students are able to keep up in their work when they are suspended, or are they just forever behind from that point on when they are out of school?

Ms. Douglas. Well, when you are notified that you are being suspended, most of the time the teachers come around and say, "Here is your homework." You know, "Here, when you come back, I want it."

Commissioner Horn. So you had something to do while you were out?

Ms. Douglas. Oh, yes. All the time.

Even on weekends, you had homework, you know. They pressed—when you were sick, you had homework, you know. Unless you were really out of school a very long time, a week or something like that, you could catch up.

Commissioner Horn. Paul, in terms of homework, would you say your experience at Burke, compared to Dorchester, you found the homework load was the same, greater, less, what?

Mr. Mooney. The homework load was about the same, but when I was at both schools, I did have two jobs. So I did manage to work while I had the homework. But I did spend a few nights up very late doing homework, or typing term papers or something like that. The load is heavy, but it is about the same.

Commissioner Horn. Thank you both. Like my colleagues, I commend you on the constructive role you played as student leaders. I know there were many more like you, and I think that is one of the keys that we need.

Chairman Flemming. I would simply like to concur in what has been said. And I would like to express appreciation for the very frank and perceptive way in which you have responded to the questions. You are certainly excellent representatives of this high school. I think Commissioner Ruiz summed it up, as far as I am concerned, when he said that your testimony is an inspiration to all of us. Thank you, and best wishes for the future.

Mr. Mooney. Thank you.

Chairman Flemming. The hearing is in recess until 1 o'clock tomorrow afternoon.

[At 5:03 p.m., the hearing was recessed, to reconvene at 1 p.m., Tuesday, June 17, 1975.]

UNITED STATES COMMISSION ON CIVIL RIGHTS

Tuesday, June 17, 1975

The U.S. Commission on Civil Rights convened, pursuant to notice, at 1 p.m., Arthur S. Flemming, Chairman, presiding.

PRESENT: Arthur S. Flemming, Chairman; Stephen Horn, Vice Chairman; Manuel Ruiz, Jr., Commissioner; Murray Saltzman, Commissioner; Robert S. Rankin, Commissioner; Frankie M. Freeman, Commissioner; John A. Buggs, Staff Director; Jacques E. Wilmore, Regional Director; William White, Jr., Director, National Issues; Lawrence Glick, Acting General Counsel; Paul Alexander, Assistant General Counsel; Donald L. Stocks, Staff Attorney.

PROCEEDINGS

Chairman Flemming. I will ask the hearing to come to order, and I ask Counsel to call the first witnesses.

Mr. Alexander. Erna Ballantine Bryant and Victoria Schuck, could you please stand and raise your right hand? Mr. Bernstein also? Sorry.

[Whereupon, Julius Bernstein, Erna Ballantine Bryant, and Victoria Schuck were sworn by Chairman Flemming.]

TESTIMONY OF MR. JULIUS BERNSTEIN, CHAIRMAN, MASSACHUSETTS STATE ADVISORY COMMITTEE TO THE U.S. COMMISSION ON CIVIL RIGHTS; DR. ERNA BALLANTINE BRYANT, MEMBER; AND DR. VICTORIA SCHUCK, MEMBER

MR. ALEXANDER. Would you each identify yourself for the record? Your name, position?

MR. BERNSTEIN. Julius Bernstein, Chairman of the Massachusetts Advisory Committee.

DR. BRYANT. Erna Bryant, member.

DR. SCHUCK. Victoria Schuck, member of the State Advisory Committee.

MR. ALEXANDER. It's my understanding that the State Advisory Committee has been working on certain projects related to the subject matter of this hearing and you each have a brief report you wish to submit.

We'll start with Dr. Bryant.

DR. BRYANT. I'm pleased to present to you today a statement on behalf of the State Advisory Committee with respect to the Boston school system.

The State Advisory Committee had adopted a project prior to the Commission's decision to hold hearings here in Boston which was designed to gather information on the negative factors present in this situation. Specifically, the Massachusetts State Advisory Committee voted to document cases in which antibusing forces had used threats, harassment, etc., against those of our citizens who had decided to obey the orders of the district court. But when we learned that the Commission, you, were coming, we decided to defer this project.

Had we proceeded with our original project, we could have started documentation with our own Advisory Committee members, several of whom have been the victims of harassment. One member received threatening phone calls, had the walls of her residence debased and painted in an artless manner. Another member received harassing telephone calls, and had all four tires of the car slashed. Our Chairman has received a mail greeting card from the Ku Klux Klan promising a real visit later on.

Yes, it's Boston of which I speak, and not Mississippi or Alabama, or those sections of the country which were once thought to have a monopoly on this kind of a situation. But we are certain that you realize that there's both good and bad in situations, and without in any way diminishing the impact of those negative forces, we think that there are some good things that are worth noting.

And realizing this, the Advisory Committee decided that it was important that you be told of some of the factors that were operating, that were positive in this situation. We felt you would unearth negative factors in addition to those which I have already cited. And the Advisory Committee, the staff and the members, conducted a number of interviews at selected "desegregated schools," with public officials and private individuals and organizations in an effort to determine those factors present in those schools where the desegregation process went reasonably well.

We had hoped to present these findings to you in writing at this time, but unfortunately it was not possible to collect this data and to analyze it properly for presentation to you today. A full report will be sent later.

At this time I would like to present to you a preliminary statement. We decided that we would look at a few factors of desegregated schools that did not have major problems, and we would just make that decision, what we considered schools that didn't have major problems, based on the following factors: schools which had little or no violence, or where disruptions were minor and not continuous throughout the school year; those schools where for the most process was able to function in a largely routine manner—we made no decision on what we called an educational process, or the quality of that education taking place; those schools where attendance after the opening days was relatively stable, without large scale absences of either white or minority students. We are sure that you realize that unpublicized as it may have been, these factors were characteristic of the majority of schools in Boston.

In addition to the above factors, we selected a few schools in communities where Phase I resulted in a major shift in the racial composition of the schools, and eliminated those schools where racial shift was minimal. We also included in our review schools and communities involved in mixing of whites and Puerto Ricans, whites and Chinese, as well as the more typical white-black mixture.

I will cite to you a few of these factors under specific headings. Administrators and faculty will be my first.

While not universally true, we found that those situations which tended to go well were characterized by "strong administrators" and capable and dedicated faculty. In these schools, principals and headmasters reacted the way any good administrator reacts to anticipated problems: they planned ahead. They established procedures for dealing with a variety of situations. They forcefully and consistently implemented policies, and they conveyed to their staff a definite sense of "can do" and "will do."

While this alone was not sufficient to guarantee success, for we do know of some strong administrators who did have problems, this factor did appear to be present in most situations reviewed.

Next I'll talk about students. The role of students is closely interwoven with the role of parents, of course, particularly at the elementary and middle schools, and we do not wish to minimize in any way the real—the role played by the beneficiaries of the system.

For the most part, following initial periods of adjustment, students settled down to an acceptance of each other, of ethnic groups, and functioned without the presence of obvious tension and conflict. We do not suggest, however, that real integration has been achieved, for we know that self-segregation exists within the desegregated schools, but we must recognize and applaud the manner in which the students accepted and worked with each other. Too little credit has been given to this important factor in these situations that did go reasonably well.

Parents and community groups. The posture and activities of parents' groups, local and citywide community organizations and agencies were crucial factors. For instance, it is important to note that in all the situations reviewed by the Advisory Committee where things went reasonably well, organized and aggressive antibusing community groups were either absent or were effectively neutralized by positive community forces.

This meant that the positive factors cited above could concentrate on solving real problems without diverting important resources to a rearguard action. Local and biracial councils, parent advisory councils, together with crucial support from public and private citywide and neighborhood agencies, played out a variety of actions and activities, which ensured that violence and disruption were avoided.

Several other factors are worthy of note. While the role of city hall can be perceived as both a positive and a negative factor, there were three aspects of the city's activities that do warrant your attention.

The city's information center, which was established at city hall for the opening of school, did serve as an important source of information for rumor control for parents and teachers and students and community groups. Additional centers were established at Freedom House, Model Cities, the Citywide Education Coalition, and at other agencies.

The youth activities commission of the city played an important role in working with students, and the neighborhood teams established by city hall and composed of city schools and neighborhood sources, were important positive factors.

The role of the Boston Police Department deserves some mention. While there are negative aspects to the police's role, we deem it important to mention that in those situations which went reasonably well, school administrators and parents and community groups did point to the cooperation which they personally received from the police. At the command and district levels the Boston Police Department was intimately involved in the planning and implementation of school desegregation in Boston.

Finally, a word needs to be said about the role of the news media. While the media, especially the print media, made a valiant effort to give a full and nonsensational coverage of the desegregation process, in too many instances subsequent to the period of September and October, the negative situation and violence were given coverage to the exclusion—absolute exclusion of the many positive activities which were being carried out by the actors referred to above.

And this did make many of the parent and community groups feel that their positive activities were isolated and atypical, in a situation which was overwhelmingly hostile. This in part accounted for severe depression among many community groups in the early weeks of desegregation. We felt deserted by the Federal Government, unassisted by political leaders, and unrelated to our fellow citizens, and this could be directly attributed to the news media.

In the report which our Advisory Committee will submit to you later, we hope to spell out in more detail many of the factors discussed briefly above. At this point we can conclude with two facts.

First, it is important to note that the majority of Boston public schools were desegregated reasonably well, with a minimum amount of disruption. Secondly, there is no single set of factors to explain these situations. Varying factors were important in varying situations.

It is important to note that good things did not happen without a good deal of positive activity on the part of administrators, faculty, students, parents, and community organizations, and as we look forward to Phase II from the perspective of our review, it is important that a high level of positive planning and training take place.

Thank you.

Mr. Glick. Thank you very much, Dr. Bryant.

Dr. Schuck, as a member of the Advisory Committee from Springfield, have you prepared a report or statement on the desegregation of schools in Springfield?

Dr. Schuck. Yes. The Advisory Committee decided that we should look carefully at the second-largest city in Massachusetts because of its vastly differing experience. And so for some time we have been looking at the total picture of integration in Springfield. We are submitting a rather detailed report and also a summary report.

Perhaps I should begin by noting that while Boston was having these grave and anguishing troubles, in Springfield, the second-largest city, integration was taking place without any demonstrations to amount to anything. There were one or two very small ones, but they are not even, I think, worth commenting on. There were no racial incidents, and, as far as we can ascertain, there has been no flight to the suburbs.

And yet, it has been a very difficult struggle, lasting, I should say, for some 9 years. It began with the State [racial] imbalance law, passed in 1965. There were several factors that entered into it: the decisions of the State board of education, the school department's meticulous planning, the opposition of the school committee almost throughout the 9-year period, the role of the courts, which was to enforce the law, and then the role of a number of civic groups in the community, led by the Quality Integration Education Committee.

During these 9 years, it should be pointed out that the school committee offered a variety of short term plans, including the construction of new schools for which the city thought it could obtain additional funds.

Out of this there came, however, in 1972, what has become widely known as the Springfield Six-District Plan. This provides for the division of the city into six areas, five of which had one imbalanced school.

I should note that in 1965 there were seven imbalanced elementary schools. They were all confined to the elementary schools. By 1972 there were five imbalanced schools.

I should also like to note at this point that Springfield had a long experience with integration. Beginning at the turn of the century, the city constructed its high schools in one area rather in the center of the city, and they were designed so that one would be for college education, another for technical training, another for commerce, another for trade, and so on. Four schools. As a consequence of this particular educational decision, the schools—the high schools were integrated from 1900.

Then one other experience took place which it seems to me is worth noting, namely that in 1968 the junior high schools were integrated as a consequence of the construction of a new school and the closing down of one of the oldest imbalanced schools, so that by the time we reached 1972 or 1975, Springfield had integrated its high schools, it had integrated its junior high schools, and the remaining problem was the five schools at the elementary level.

Now, what happened was that the school committee opposed the Six-District Plan, that the school board—and when I say "school board," I'm referring of course to the State school board—but the State school board decided that the Six-District Plan should be adopted by the city. This was done as a consequence of a decision of the State supreme judicial court. And here I would like to point out that the struggle in Springfield, which resulted in the integration, came as a consequence, as far as court decisions were concerned, of the State supreme judicial court.

There were two decisions in 1974, the first demanding that the order for the Six-District Plan be put into force, and the other reordering that it be put into force because the school committee, not wishing to adopt the plan, went a second time to the supreme judicial court as a result of the passage of an amendment to the State imbalance law, which the school committee felt would make it possible for the city of Springfield not to adopt the Six-District Plan.

Now, I would like to say here, and read the part of the report for you—give you the reasons for the success.

As in Boston, the State board of education and the courts took a strong stand in favor of the enforcement of the 1965 racial imbalance law. In the face of the State court-ordered integration, the situation, however, varied very significantly from that of Boston.

And the Advisory Committee would like to note the following factors which it seems to us help explain why the Six-District Plan was successfully implemented. There are two major reasons:

On the one hand, the school committee exhibited unusual management and planning skills in developing and in implementing the integration proposal. But of equal proportion—of equal importance, I should say, following the State supreme judicial court's August ruling, was that the mayor and the public officials demonstrated strong and responsible political leadership, dropping their objections to forced busing, and urging compliance with the law.

Under the leadership of the superintendent, John Didi [phonetic], the school department worked tirelessly over a several-year period, often without school committee approval, to develop an acceptable plan to the State board. There should be noted also the superintendent's personal leadership and commitment to implementing the plan. In addition, the central department staff, the principals and the teachers, showed great initiative and leadership.

However, without political leadership, the plan could never have succeeded. The mayor, as the city's chief executive and as chairman of the school committee, made a major contribution to the implementation process. As soon as the State supreme judicial court made the decision that Springfield must integrate, the mayor, who had originally been a kind of leader of the anti-integration forces, said, "This is the law, and Springfield must comply."

Although the school committee consistently refused to approve forced busing, its role ultimately was not a negative one. In general, it did not interfere with the school department's development and implementation of the Six-District Plan. As in the case of the mayor, their recommendation to obey the law provided the lead to the antibusing groups to take the same stand.

Then, as I have noted before, there was the community. Both pro- and antibusing groups deserve credit. From the beginning there was a high degree of community development. The prointegration forces began to organize as early as 1972. The antibusing groups consisted of small, less tightly organized groups in separate neighborhoods.

The media took a very important and active part.

The city of Springfield had several advantages in integrating its schools because of its experience.

And last, but certainly not least, was the design of the Six-District Plan, which was so well suited to the elementary schools. The Six-District Plan is not perfect. It's still opposed by many Springfield residents. But this issue is not as important as one which is unsolved; namely, what to do about the Puerto Rican residents.

In conclusion, then, a combination of ingredients created a situation in Springfield for which every city resident should be proud. The city integrated its elementary schools responsibly and peacefully, with the well-being of the children and the respect for law as the paramount considerations in most people's minds.

But it is the Advisory Committee's belief that the city of Springfield, their political leaders, the school administrators, their teachers, and every resident, should take credit for the achievement that happened this last fall.

MR. GLICK. Dr. Schuck, you have presented us with a summary of your statement; is that correct?

DR. SCHUCK. Yes.

Mr. Glick. And you have given me a copy of your full statement.

Mr. Chairman, may I introduce Dr. Schuck's complete statement into the record as exhibit number 9?

Chairman Flemming. Without objection, it will be done.

Mr. Glick. Thank you.

[The document referred to was marked exhibit no. 9 for identification and received in evidence.]

Mr. Glick. Mr. Chairman, I have no questions, and I don't believe the other staff attorneys do.

Chairman Flemming. Commissioner Horn.

Commissioner Horn. Professor Schuck, what time of year was the Springfield court decision handed down?

Dr. Schuck. The final decision was handed down in August of 1974. As I mentioned, the preceding decision was in May of 1974. The last decision came about as a consequence of the appeal of the city committee, since the committee had felt that the imbalance law had been modified and would then permit the city to relinquish its plan for—or I should say would relinquish the plan of the school department for integration. You understand, the committee had never approved the integration.

Commissioner Horn. Integration then occurred in September 1974?

Dr. Schuck. Yes.

Commissioner Horn. So how much planning had been made—how many months of planning had occurred in advance of September 1974, did your study of the situation reveal?

Dr. Schuck. Well, actually I think we would have to date this from 1972.

Commissioner Horn. Where the school department actively had options before it and knew what it would do given certain options.

Dr. Schuck. The school committee worked very closely with the community, holding a number of open meetings and offering to give information to the various groups in the committee, which was led by the ad hoc group which I mentioned before. It was one of the most meticulous plans that I think we have ever looked at, and it received the devoted attention not only of the superintendent, but of the staff members.

Commissioner Horn. How many students were involved in that plan overall?

Dr. Schuck. Oh, overall there were over 6,000—about 6,600 if I remember correctly.

Commissioner Horn. How many of those as a result of the plan moved to different schools from the neighborhood schools they might have utilized the preceding year?

Dr. Schuck. Well, there are 18,000 in the entire school system. So that the 6,000 were those that were moved about. It was a third of the entire school population.

Commissioner Horn. Dr. Bryant, along a similar line, in terms of the Boston experience, how many students do your studies show were involved in the movement this past year, in Phase I?

Dr. Bryant. Well, I think it would be difficult for me to be very precise. Unfortunately the figures of the school department, as you know, have varied, and I would be reluctant to quote any specific figures to you today. The staff members of the SAC committee and of your own Commission have been working diligently and have cited specific figures in the report that you will receive, and I would not want to cite them. They have varied.

Commissioner Horn. Well, let's get at this point, Mr. Chairman, in the record, a little matrix that shows Boston-Springfield, total number of students in both school systems, total number of students affected by desegregation plan in 1974–75, so we get an idea of the proportions.

Chairman Flemming. Without objection, that will be done.

Commissioner Horn. I completely agree with the conclusions that both of you have made with regard to your studies, that if desegregation is to be successful, you need strong political leadership, you need a school board, or school committee in this State, that is committed, a school superintendent, a middle management group that is committed, along with the faculty.

One other factor I think came out in the hearing yesterday, and certainly I found from my own experience in the last 5 or 6 years, is that discipline, fairly administered, known to all, given impartially, is essential to the success of the plan.

You have stressed the role of the media. I agree with you. In those cities where integration, desegregation has seemed to be successful, the media has been supportive, has tried to remedy rumors once they arise, and has not merely exploited the situation to sell automobiles or soap, in terms of evening news coverage.

And the other ingredient you mentioned are the parents. And I wondered, since this committee has—our State Advisory Committee has obviously compared Springfield and Massachusetts, along some of these—and Boston, Massachusetts, along some of these criteria, do you feel, Dr. Bryant, that in looking at Boston, there was general failure of along the line on all those criteria, as opposed to Springfield?

Dr. Bryant. It was very difficult for me to speak today, because there is no absolute. That has been the problem in making a differential statement. In fact, all of the criteria or factors that I mentioned played important roles, but you can't deny the fact, either, violence occurred in what could be, even be termed a successful situation. But it may only have occurred once. And even if we said there was an absence of violence, there could have been psychological violence, which can be just as damaging and destructive.

Unfortunately, one cannot say, and give a set of criteria and say, "This is what makes it work," or "This is not what makes it work."

However, there are factors that we felt should be noted, and there were things that could have been done better. The news media was one. Parents definitely played a very important role, and were certainly supportive in many instances. And we could give you, you know, anecdotal data on that. But there isn't any one particular factor.

COMMISSIONER HORN. Do you see, now that we're going into Phase II, an improvement along these factors in the Boston situation, where they might approach what Springfield has already shown they could do in Phase I?

DR. BRYANT. Well, I think I'd have to say that generally we're all feeling a little bit better, but it may be because of the weather. We're not really sure. We do feel that with increased participation of Federal Government, the impact here, Federal authorities—we know that the police department has been gearing up and working; we feel it has, you know, in a positive way. Community agencies have been diligent, and of course, we do know that the universities in Phase II are definitely going to play an important factor.

And I would daresay that generally we're hoping that things will be better under Phase II.

COMMISSIONER HORN. Obviously one of the points that concerned me in yesterday's testimony, and concerned me just as a layman reading the accounts out of Boston, was the timing of the court order so near the beginning of the school year. Yet Professor Schuck's testimony showed that at least on a smaller scale, that did not seem to be a hindrance in the case of Springfield, provided you had some other ingredients going for you, which was a willingness to conform with the decision and conform with the law once it was rendered, even if you had to work all night.

And of course, you do have a difference in the type of school systems, I'm sure, in the sense that Boston is probably very much like New York, other cities where they are large, somewhat impersonal school bureaucracies, whereas smaller communities can often, I think, deal, at least potentially, somewhat easier with the problem.

How do you feel about that?

DR. BRYANT. Unfortunately I'd have to disagree just a little bit. One of the problems of Boston has been its inhouse process, the fact that one is a part of the system and comes in from the State college level, from the time that you go to the Boston Public Schools, and then you go to the Boston State College, then you are appointed a teacher, and then you move up in the system. And many people are related, you know, familywise, and that has been part of the problem.

I'm not so sure it's as distant a situation as it might be in New York, but rather, there is an inhouse problem. We do know that—

COMMISSIONER HORN. Did that occur in Springfield, Professor Schuck, as far as the recruitment processes of the school personnel?

DR. SCHUCK. Well, the school personnel became completely devoted to the integration process. There were meetings with respect to how to handle this. This was all done on a voluntary basis during the summer. There was a complete commitment of the older members of the school faculties as well as of the younger members.

Commissioner Horn. Yes. Thank you.

Chairman Flemming. Commissioner Freeman?

Commissioner Freeman. It appears, from what you have said, Drs. Schuck and Bryant, that the commitment that was demonstrated in Springfield is lacking here in Boston. Is that correct?

Dr. Bryant. To some degree, definitely.

Dr. Schuck. The commitment was total on the part of the school department in Springfield. The school committee, of course, did not sanction the plan, but once the decision had been reached in August, there was no question about the fact that the school committee would allow the plan to become effective.

There is some argument over whether or not the committee should have given formal approval to the plan, but many would state that the committee did not need to do so, because the court has spoken.

The significant thing is, or point about this is, that the school committee acquiesced in the decision, and that the political leadership said that there would be enforcement of the law.

Commissioner Freeman. The other point that was made was the communication among the parents across racial lines, and I'd like to ask Dr. Bryant if you see in the coming weeks an increase in communication of the various ethnic groups with the nonwhite group.

Dr. Bryant. There are several organizations and agencies that are working very actively at that, and I think you know as well as I do, that there was not the commitment on the part of the political leadership or the educational leadership in this State for Boston as there was for Springfield. But I do feel that parents and students—I just have to stress the role of students, because if we didn't have the students in there working every day and going to school amidst all kinds of violence and other factors, we wouldn't be where we are right now. So I think that the students played as important a role as the parents did, if not the most important role.

Commissioner Freeman. Well, yesterday afternoon this hearing recessed on a very high note, with testimony from two students from the Burke School. It was very refreshing to hear them. And I would like to say is—I'm very sure my colleagues will agree with me—that one of the factors that we, this Commission, will find very helpful, is the work of this State Advisory Committee, because when we leave here on Friday, you will be around to continue, and I want to express appreciation for what you've done.

Chairman Flemming. Commissioner Rankin?

Commissioner Rankin. Dr. Schuck, have you looked at any other areas in Massachusetts other than Springfield and Boston, your committee?

Dr. Schuck. Actually, I've confined my study to Springfield in a very—

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Commissioner Rankin. But you've read the newspapers.

Dr. Schuck. Oh, yes.

Commissioner Rankin. Have the other towns followed the example of Springfield or Boston?

Dr. Schuck. Well, the issues haven't been, of course, as dominant, because the cities are much smaller, and the towns are very much smaller. Many of the towns have very sparse minority populations.

I once made a study of the entire Springfield-Holyoke-Chicopee metropolitan area for housing, and there what one notices is that the suburban communities have almost no black population comparatively speaking.

Commissioner Rankin. Are you saying, then, that the smaller the town is, the easier it is to accomplish integration of schools?

Dr. Schuck. Well, perhaps I'm saying that, but I'm also saying that the small towns do not have the problem of integration because they do not have the black communities that the cities have.

Commissioner Rankin. If they had a larger black community you would think they would have equal problems or as many problems?

Dr. Schuck. I would think so. Yes. Certainly in housing this is the case, in my own community.

Commissioner Rankin. I'm also interested in your role. Your Committee is an advisory committee. What standing do you have in the State? Do the communities follow the work of the Commission, and do they follow your advice, or do they disregard you? How—I remember reading about colonial history and one man said in Massachusetts he was regarded—disregarded, and I forget now, some kind—irregarded, I guess, or something. What about your Commission?

Dr. Bryant. What comes to my mind is the fact that the Commission—the Civil Rights Commission's recommendations have been ignored by the President and Congress, so I'm not so sure that our SAC holds much—a different kind of rating. Most of us are very actively involved personally in many situations that have affected the school life here in Boston, Massachusetts, as well as Springfield.

[Simultaneous discussion.]

Commissioner Rankin. We want to correct your statement, but—

Dr. Bryant. Oh, good.

Commissioner Horn. You trigger a comment that I saw in the local print media, and that has concerned all of the members of the Commission, and that is that the recommendations of this group have been ignored. That's simply not so.

The latest statistic the Commission has is that 62 percent of its recommendations have either been adopted by the Congress or the President, in the form of Executive or administrative orders. And I can certainly say from my own experience, being on Capitol Hill in the early '60s and helping as part of the drafting team to draft the 1964 Civil Rights Act, and the 1965 Voting Rights Act, that without the work of this Commission—and I was not a member, obviously, then—those acts would not have been drafted. Because this was the resource that those in Congress in both parties looked to to draft the civil rights legislation of the 1960s, was the work of this Commission.

Commissioner Rankin. We hope you will surpass our 62 percent.

Dr. Bryant. Well, we have been active. There's been a public service subcommittee and there's been a committee on Puerto Rican problems here in the State. We've had several subcommittees actively working on different problems.

But in terms of impact, I think it's very difficult to measure, and we have not, as far as I know, have conducted the kind of study to have the kind of data that you have with which we could make a comparison.

Commissioner Rankin. Well, would you say you're encouraged or discouraged in your work?

Dr. Bryant. Oh, I'm always encouraged. I'm an optimist.

Commissioner Rankin. Okay.

Dr. Schuck. May I make one comment here?

Commissioner Rankin. Yes.

Dr. Schuck. In response to your questioning, I have been on this Committee since 1962, and I see an increasing recognition of its role. It seems to me that our studies have moved 128, and our studies of housing and so on, and hopefully our future studies will have an impact on this community.

It also seems to me terribly important, the role that the Commission is playing this particular week. It cannot help but bolster the role of the Committee.

Chairman Flemming. Commissioner Saltzman?

Commissioner Saltzman. Dr. Bryant, out in Hoosierland, where I come from, I was left with the impression, as I think everyone else, from the media, that the desegregation effort in Boston was another catastrophe. Am I correct in understanding you that really in the largest majority of the cases there was a rather positive ongoing effort to obey the law and to implement the court order?

Dr. Bryant. That was generally true, but I don't want to minimize the fact that indeed, violence did occur. And those persons who suffered that would just find it difficult to recognize the other half of the statement, and to recognize those schools in which violence did not occur.

So that is the dilemma. And especially we understand that there were certain factors operative here that were worse than in the South during the desegregation process. But in fact, we did have positive elements. And the important thing I think we just have to note is that desegregation can work in Boston, Massachusetts.

Commissioner Saltzman. And has worked.

Dr. Bryant. And has worked to some minimal degree. And I think we just have to build on those factors, and that is the point that I wish to make here today.

Commissioner Saltzman. Well, from there, I'd like to go further in terms of the role of the media, since I think you implied that the role of the media was crucial to this misinterpretation, perhaps, and this failure to address the positive facets of the desegregation effort.

Would you characterize for us, if you could, the general editorial policy of the media in regard to the court order? Was it negative or positive or accepting—neutral and accepting? Which of the three?

Dr. Bryant. Well—

Commissioner Saltzman. What I mean—

Dr. Bryant. The options are rather limited.

Commissioner Saltzman. Yes. What I mean is, was there a motivation, a negative motivation present or absent in the treatment by the press of the issue?

Dr. Bryant. It depends on what paper you read. Now, that was the first thing. But for the most part, the editorials were good.

All right. But that's not what people always read. The front page is what people read. And that's what went across the country, and what you saw and what several million other people saw all over the world, and as a result I think that's the factor that impinged upon the actions and attitudes of people right here working to make positive change.

I do feel that had there been as much of an impact by the positive situation, people would have to recognize that it can work here. We've just got to work at that. We've got to build on that process.

Commissioner Saltzman. Do you know whether or not there was some kind of council or functioning committee of the media that in some way were active in attempting to address some of the issues we're raising now by the manner in which they treated the news?

Dr. Bryant. I understand that such a committee was operative, but I would have to say that I really don't know much about that.

Chairman Flemming. Commissioner Ruiz?

Commissioner Ruiz. Victoria Schuck. With respect to a question relative to your subject matter that more or less went unanswered, with a query, what to do with the Puerto Rican barrios. Of the 18,000 that comprise the total student population of Springfield, what proportion are of Hispanic, Puerto Rican, Cuban descendancy?

Dr. Schuck. Let's see. There were 40 percent blacks in the number of pupils who were bused. I would have to get that figure for you. I can in just a moment, I think, but it's a much smaller community than the black community. it is—

Commissioner Ruiz. Is it much smaller?

Dr. Schuck. I think it's about 20 percent.

Commissioner Ruiz. About 20 percent?

Dr. Schuck. Yes. I think it is. I would have to look this figure up, though. I'm not quite sure. It is a much more recent population, of course. It has increased tremendously during the last 10 years.

Commissioner Ruiz. Springfield obviously planned ahead. That is to say, there was no historical, malicious intention of planned discrimination, as was the fact found by the United States district court here in Boston, and planning ahead is vital; you've just mentioned that all of this has occurred within the last 10 years.

Given the need for planning ahead, are you able to point out any commitment on any level to plan ahead to thwart future discomfiture in this area?

Dr. Schuck. Well, perhaps I could refer to the story of the problem of the Puerto Rican community as Springfield has seen it. Under the racial imbalance law the Puerto Ricans have been defined as whites, and therefore District 6 was excluded from the integration plan, so that there were only five of the districts that were included within it.

Now, in—I think it was October of last year, the State board, interpreting the racial imbalance law another way, said that Springfield should be responsible for integrating the Puerto Rican community under the Six-District Plan. The school committee objected, and as a consequence received a sort of stay of this, so that it did not have to get the plan in until December, and then still in May there was another stay, if I remember correctly—this is all in our final report.

And at this point the State board, you see, interpreting the plan, said that the city must immediately implement the Six-District Plan by a redistribution of the Puerto Ricans.

Now, there is some argument over this for one or two reasons. The city is maintaining that the bilingual aspect of the Puerto Rican educational problem is such that there should be a greater concentration of the Puerto Ricans in what is known as the North End, or the Brightwood area. The second reason for the delay is that there is a new school, the Brightwood School, which is being constructed in the particular district.

Now, with these two questions, the school committee has been dragging its feet with respect to the integration.

Also, the Puerto Rican community itself has not been as effectively organized.

Now, on June the 30th of this year, if my date is correct, the school board is going to Springfield—the State school board—to hold a hearing on the question of integration. And we will know after that whether the school board will issue the order requiring the integration.

Commissioner Ruiz. Now, what were the objections of the school committee?

Dr. Schuck. Well, the school committee concentrated again, as far as I have been able to find out, upon the fact that there is a new school in this area, in which the city takes great pride; and secondly, it has raised the issue of the bilingual program. But this could very well be worked out, as I understand it—

Commissioner Ruiz. This could be very well what?

Dr. Schuck. Worked out. That is, the bilingual program should not be a stumbling block, because there are ways in which to make it possible to allow the bilingual programs to be effective in the integration program.

COMMISSIONER RUIZ. Is there a possibility that by virtue of the bilingual program that the Puerto Ricans may be segregated?

DR. SCHUCK. It could be, because, of course, that has been one of the reasons now for the State board taking action.

COMMISSIONER RUIZ. Will they probe into the question, if you know, whether the school that is going to be constructed will be, let us say, on some line area to develop cross-encouragement and crossfeeding and cross-experiences between a bilingual minority and the predominant language of the area. Or has that been gone into?

DR. SCHUCK. As far as I know, the details, at least, have not been made public. And as far as I know, these issues will be taken up in the June 30 meeting.

But I would think that it could be worked out. Is it correct that you're suggesting the school needs to be built in that area? It has already been built and opened. Brightwood.

COMMISSIONER RUIZ. No, I was just raising the question as to whether we might perpetuate something and establish a Puerto Rican ghetto, and whether or not, with relation to where that school might be situated, it might not be situated in a margin. Has the thought been given to establishing a magnet school, for example, where Puerto Ricans would go to other areas from the entire community for proper balance. Has that been gone into?

DR. SCHUCK. Well, that I don't know. Of course, the city tried for some time to use the magnet school as a way to avoid desegregation. But it was not successful.

COMMISSIONER RUIZ. Well, I was thinking of—

DR. SCHUCK. I can't say the degree to which this has been worked on at the present time.

COMMISSIONER RUIZ. Is the State Advisory Committee going to participate in those hearings?

DR. SCHUCK. I hope we're going to have representatives there, but this is a hearing being planned by the State board, which, as far as I know, anyone can attend.

COMMISSIONER RUIZ. Would there be some way for the State Advisory Committee to get on the agenda and use all of the material that the United States Civil Rights Commission has had with respect to experiences in the Southwestern part of the United States with relation to bilingualism involving the Mexican Americans and in New Mexico and other areas, that might very instructive to this far Northeastern part of the United States that has had little experience at that particular type of background?

DR. SCHUCK. You make a very important point. And I think certainly that this should be done. It's very significant.

COMMISSIONER RUIZ. I believe that the material that's available, solid facts, statistical facts, and indepth experience would be very, very important to this board meeting with relation to this delicate question as just how to do that, because it's a new question, and they have an opportunity to make a frontal attack on it. And with the good will that you've demonstrated that exists in Springfield, I'm sure that that material would be constructively used.

So will you make an effort?

Dr. Schuck. Thank you very much for this suggestion.

Commissioner Ruiz. You're welcome.

Chairman Flemming. Thank you, Commissioner Ruiz.

Commissioner Ruiz is referring, as you probably know, to the report recently issued by the Civil Rights Commission on bilingual and bicultural education.

May I express as Chairman of this Commission my deep appreciation for the contributions that the Massachusetts State Advisory Committee has made at this hearing, but also, the contributions that you've made over a span of time.

The question has been raised as to what happens to the work of advisory committees in government. I think that the Massachusetts State Advisory Committee can take note of the fact that the Committee urged the Civil Rights Commission to conduct these hearings. You were very eloquent in your representations, and the Commission concurred in your recommendations.

But I'd also like to make just this comment, because of the issues that have been raised in connection with this discussion: There is an assumption that if a body can simply make recommendations to some other body, that really it isn't in a position to do anything that's very important or very worthwhile.

I had the privilege of serving as a member of both of the Hoover Commissions on Reorganization of Government, and in both instances the assumption was that in all probability the recommendations that were made would simply gather dust on the shelf. As a practical matter, that didn't happen. And one of the reasons that it didn't happen was that under the leadership of the late President, a decision was made to set up bodies that would work on the implementation of these recommendations.

The Civil Rights Commission, over a period of the last 18 years, has been in a very fortunate position. First of all, those who were members of the Commission at the beginning—and one of those members sits on my right, Commissioner Rankin, who was appointed by the late President Eisenhower—determined that they would try to put themselves in a position where they could be of real influence in the civil rights area by reason of the kind of work that they would do, the kind of work that the staff would do, and the development of the reports, and the kind of preparation that would be made for a public hearing.

I had the opportunity just the other day of talking with the Chairman of Subcommittee on Constitutional Rights of the House Judiciary Committee of the House of Representatives, and without any stimulation at all on my part, he paid tribute to the impact that the reports of the Civil Rights Commission over a period of 18 years have had on the deliberations of that body.

I've always felt that those of us who have the opportunity of serving in government, sometimes have the opportunity of administering laws, making decisions which result in the implementation of law. And that's a great opportunity. But possibly our greatest opportunity is the opportunity to exercise leadership over and above and beyond what may be the specific duties and responsibilities of the office.

And an Advisory Committee such as your committee, such as the Commission on Civil Rights, does have the opportunity to exercise leadership.

Sometimes we win, sometimes we lose. But as has been brought out by Commissioner Horn, the record of this Commission over a period of 18 years is that 62 percent of its recommendations have been accepted either by the President or by other officials of the executive branch, or by the Congress of the United States.

And it is likewise important to note that the Federal courts in 23 instances up until a few months ago have cited the reports of this Commission in connection with the conclusions that they have reached.

As one who has had the opportunity of serving in government, I personally feel that the opportunity that any of us have to serve as members of an advisory committee in an effort to develop findings and recommendations which rest on a solid foundation of fact is one of the greatest opportunities that confront citizens in our government.

So again, I want to say to the members of our Massachusetts State Advisory Committee, we appreciate the advice that you've given us, the advice that you have given others, and I feel sure that you recognize that when you advise us, we will weigh your advice very carefully. Sometimes we'll agree; sometimes we'll disagree. But that's the role of advocates. We win some; we lose some. When we lose, I think we simply proceed to try to get ourselves in a position where we can win the next time.

So thank you very, very much.

COMMISSIONER RUIZ. May I add to the statement that you just made, Mr. Chairman, in that respect?

CHAIRMAN FLEMMING. Yes, although I've taken more time than I should have, in the light of the time set aside for the next witnesses, but I'll be very happy—

COMMISSIONER RUIZ. By way of further explanation, what we are doing is the same thing in substance that the committees in Congress do with respect to getting hard facts and statistics relative to definite problems, excepting that there are no political influences here. Under the set up of the United States Civil Rights Commission we have to have no more than three members of the Commission that represent one political party. So we have three Republicans as well as three Democrats. And that might be important.

CHAIRMAN FLEMMING. Okay. Thank you very much.

May we again express our appreciation for your testimony. We look forward to reading the report that you are working on, and we will make that report a part of the record of this hearing. Thanks a lot.

Dr. Bryant. Mr. Flemming, I just want to say a personal thank you, because having served for almost 10 years, one wonders sometimes if you really do have an effect, so your remarks have been very personally heartwarming and heartening to me. Thank you.

Chairman Flemming. Thank you very much.

All right, Counsel will call the next witness.

Mr. Alexander. Dr. Maria Brisk.

[Whereupon, Dr. Maria Estela Allende Brisk was sworn by Chairman Flemming.]

TESTIMONY OF MARIA ESTELA ALLENDE BRISK, COORDINATOR FOR BILINGUAL EDUCATION PROGRAM, BOSTON UNIVERSITY

Chairman Flemming. Thank you very much. We're delighted to have you with us.

Mr. Alexander. Could you please give us your full name for the record, and identify your occupation and your relationship to bilingual education in this city?

Ms. Brisk. I'm Maria Estela Brisk, and I work as associate professor of the school of education in Boston University, and I'm director of the bilingual education program there.

Mr. Alexander. Could you give us some more background as to what your experience in bilingual education has been in other parts of this country?

Ms. Brisk. Well, I've been working in bilingual education for about 10 years now. I worked at several universities in the States, in the Southwest, in Puerto Rico and also in Latin America, in Peru, and Ecuador.

Mr. Alexander. I understand that you have been working for an organization known as El Comite; is that correct?

Ms. Brisk. Yes. The full name is El Comite de Padres Pro-Defensa de la Educacion Bilingue. Yes. And I have been working with them since about January.

Mr. Alexander. Could you briefly describe for us what this committee is, how it came about?

Ms. Brisk. El Comite de Padres was organized after—actually as a reaction to the school committee plan that came on December 16, 1974, and a group of parents got together and decided that they had to defend the right of the children. These were Spanish parents.

And they formed a steering committee which immediately formed seven neighborhood committees so they could be spread throughout the Spanish community, their efforts, and also the input from the Spanish community.

And they also secured help from lawyers and from professionals in the community who were interested in bilingual education, and that's how I came about to work with them. They asked me to help them first in writing the plans, and doing some of—you know, the thinking, and then I became their witness in the hearings.

Mr. Alexander. Now, this organization became an intervenor in *Morgan* v. *Hennigan*. Is that correct?

Ms. Brisk. That's correct.

Mr. Alexander. For the purpose of securing bilingual education for students under the Phase II plan.

Ms. Brisk. For the purpose of not only securing bilingual education, but doing it the best way possible.

Mr. Alexander. Yes.

When you became involved with the organization, what types of information did you need to have available to you so that you could be able to develop appropriate programs? What kinds of things do we need to know about the community and about the school system to design?

Ms. Brisk. Well, some of the information needed was, one, the number of bilingual children in Boston, which is hard information to get—come about.

Mr. Alexander. Was it the parents' feeling or your feeling that the information available from the school committee was not accurate or underestimated the number of children?

Ms. Brisk. Well, it wasn't a feeling. We got a number and then some of the parents started calling the schools. And in a school, for instance, the school committee said there was 35 bilingual children; we called the school and the principal said there were 115. And that was consistent with the other schools that we called and—to compare notes.

So the number—the figures were very much underestimated.

Mr. Alexander. Did you or other members of the group undertake a census to determine the number of bilingual students on an informal or a very hard fact basis?

Ms. Brisk. Well, finally the planning department of the school committee came with a number. We would have liked to have been able to do it, given the time, so that we could get accurate figures from the parents, so that we could figure out those children who were registered, and those children who were registered and not going to school, and those who were just plain out of school.

And that's easier to do it from the community; the parents would trust somebody from the community better than anybody else.

Mr. Alexander. Aside from the total number of students who were available for participation in such programs, did you have available to you information as to the severeness of the language handicap, if you will, the number of students that were completely Spanish speaking, or something of the degree of bilingualism?

Ms. **Brisk**. Well, the bilingual department has figures as to—you know, total numbers of children, and then those children who have been tested and considered that needed extra—you know, that needed bilingual education, because their ability in English was limited. Yes, so the figures were from there.

Mr. **Alexander**. What other types of things did you need to know to be able to design appropriate planning, other than the number of students and the types of language problems?

Ms. **Brisk**. Well, another very important—

[Inaudible.]

Ms. **Brisk**. —of the parents for the education of the children.

[Inaudible.]

Ms. **Brisk**. Also the assessment of needs of the children could be improved, could be more accurate.

Mr. **Alexander**. What about the physical facilities?

Ms. **Brisk**. That is another thing that we were very concerned about, the physical facilities of those schools where bilingual children were going to be sent, so the parents actually did go to the schools and investigated.

Mr. **Alexander**. In your effort did you limit yourself to Spanish-speaking students or did you include other bilingual groups such as Chinese, Italian, Greek?

Ms. **Brisk**. El Comite de Padres was exclusively Spanish parents, but actually the effort that the Comite did in Phase II, the benefit came for all the children, because the ruling of Judge Garrity usually talks about bilingual children, whatever they say.

Mr. **Alexander**. What was specifically that you requested for Phase II to be able to incorporate bilingual education into the desegregation order?

Ms. **Brisk**. One, that the children be classified by an ethnic group, Spanish, rather than black and white, since the Spanish community is already integrated. The people resented very much to be divided black and white.

Another thing, we wanted bilingual kindergartens, which did not exist. The bilingual law provided for bilingual education from first grade on.

Another thing was the clustering. We wanted sufficient numbers of children in one school so that there could be clusters of four. Each cluster is about 20 children. So that the grouping of children could be best done according to their variety of abilities.

Mr. **Alexander**. Could you explain the significance of the cluster in relation to being able to provide bilingual education?

Ms. **Brisk**. Well, first of all, if you have a significant number of students, the school itself would feel more committed to doing something good for this group of children. They would buy books for the library, they will provide more teachers, more equipment, etc. Then, the children, the bilingual children, because of a variety of circumstances, don't have equal abilities according to age, but according to their previous schooling, when they came to the United States, etc.

So a larger number of children gives you more flexibility to regrouping them, more according to abilities than age or age-grade levels.

So those are the basic reasons for clustering.

Another thing that we—that we got from Phase II is to avoid the isolation of those children who were—those Spanish children who were out of the bilingual program. The judge does not allow less than 20 children of one ethnic group in a school. That the parents considered very important, that the children, even if they knew English, should not be isolated.

Mr. Alexander. So is this the essence of what we're saying, that on a carefully designed basis, that under a desegregation plan, bilingual education is, in fact, obtainable in theory and in design?

Ms. Brisk. Oh, yes. Sure. Do you want me to expand on that?

Mr. Alexander. Yes, I certainly do.

Ms. Brisk. Okay.

Bilingual education and desegregation are not incompatible. You know—desegregation, this issue can be used as an excuse not to apply bilingual education or—but a number of places in this country have been able to desegregate schools and still have highly desirable bilingual education programs, and this can be done basically through two methods.

One can be through increasing individualized and small group instruction, so that you can have in a classroom children from various ethnic groups and—and different language groups and still teach them in the language at the level that their experience requires.

This has been successfully done in Texas as a consequence of the *U.S.* v. *Texas* suit, and they tap resources from the community, from the universities, from aid, from teachers, and as a result they have overall better education, regardless of whether it's bilingual or not. And not only the bilingual children have profited from that, but the English-speaking children have profited from that.

Another method is to separate the children for the language instruction and have them together for the content areas instructions, where they are taught bilingually.

So I would say that applying desegregation in a bilingual situation results in better education for both groups.

Mr. Alexander. Thank you.

Chairman Flemming. Dr. Glick?

Mr. Glick. You don't know how many teachers there are of bilingual classes in the Boston school system?

Ms. Brisk. I know that there are about 200 teachers, and I think about 78.

Mr. Glick. Do you know how many of those teachers are themselves of Hispanic origin?

Ms. Brisk. 130.

Mr. Glick. 130 out of a hundred and—

Ms. **Brisk**. Out of 200.

Mr. **Glick**. 200. So that's a fairly high percentage.

Ms. **Brisk**. Of the teachers.

Mr. **Glick**. Yes, of the teachers.

Are the bilingual classes bilingual and bicultural, or are they simply English as a Second Language kind of teaching?

Ms. **Brisk**. No, it's not in English As A Second Language because the languages are used as a medium of instruction, so you would have the Spanish or Chinese or whatever used to teach content areas. So it's not only English As A Second Language. It wouldn't be desirable that it would be only English As A Second Language.

Mr. **Glick**. Are there any non-Hispanic children in the bilingual, bicultural process?

Ms. **Brisk**. Yes. There are Chinese—

Mr. **Glick**. No, I don't mean Chinese. I mean Anglo, for instance.

Ms. **Brisk**. Well, the law doesn't provide for that. That is very much up to the schools. The law provides for bilingual education for the non-English speakers. But if the school is willing to include them, and it is indeed desirable, they would.

Mr. **Glick**. Thank you.

Mr. **Alexander**. Mr. Chairman, we have no further questions.

Chairman Flemming. Thank you. Commissioner Ruiz.

Commissioner Ruiz. Your name is Maria Elena Allende Brisk. Is that correct?

Ms. **Brisk**. Maria Estela.

Commissioner Ruiz. Maria Estela Allende. And I assume that your maiden name is Allende.

Ms. **Brisk**. That's right.

Commissioner Ruiz. In other words, under the Spanish culture, the lady, the woman retains her maiden name even though married.

Ms. **Brisk**. Yes.

Commissioner Ruiz. In other words, she just doesn't become Mrs. John Smith.

Ms. **Brisk**. That's right.

Commissioner Ruiz. And she's known all the time by her maiden name and her married name is simply added on to it.

Ms. **Brisk**. That's correct.

Commissioner Ruiz. Is that correct?

Ms. **Brisk**. That's correct.

Commissioner Ruiz. Will you tell us what the full name of this Comite de Padres means?

Ms. **Brisk**. You want—it means—

Commissioner Ruiz. The entire name you gave here for purposes of the record, which I'm sure, unless the reporter was bilingual, he didn't get, so I want it in English.

Ms. **Brisk**. Okay. It would mean Parents' Committee Pro-Defense of Bilingual Education.

Commissioner Ruiz. Thank you. Isn't a bilingual education just another way of preparing children to integrate into the predominant society and become good citizens?

Ms. Brisk. It is a way to integrate the children into the predominant society, hopefully without the loss of this original culture and language.

Commissioner Ruiz. In other words, by retaining both cultures, he is doubly equipped as an American.

Ms. Brisk. That's correct.

Commissioner Ruiz. Would this include the Chinese, the Italians, the French-Canadians and other ethnic language groups as well?

Ms. Brisk. That's correct.

Commissioner Ruiz. Why is a bilingual education important in the kindergarten?

Ms. Brisk. Well, it's important because the children—kindergarten is where you do your preparation for your reading, and if the children are going to go into first grade and are going to be taught to read in their native language, they should have the benefit of that prereading period that is provided in kindergarten.

Also, the age of 5 is an age in which the child is still very much developing language, and his original or mother tongue shouldn't be changed or interrupted at that time.

Commissioner Ruiz. In other words, as I understand, the native language is used so that the child will comprehend what he's learning in English. That is to say, it's a transition. If you teach him only in English he doesn't understand or comprehend the learning language that he later finds in school.

Ms. Brisk. Yes. He doesn't benefit from the whole learning process because he doesn't know what's going on.

Commissioner Ruiz. In other words, he learns English faster and comprehends it better if you start out that fashion in kindergarten. Is that correct?

Ms. Brisk. Yes, yes.

Commissioner Ruiz. Is that correct? Yes.

Now, on the subject of higher learning institutions that prepare teachers and other personnel, there were several witnesses who testified that there would be great value in preparing teachers to meet the special educational needs of Puerto Ricans and other ethnic minorities, and that would minimize conflict in the area of interracial relations. The evidence thus far given is that William Leary, superintendent of schools, was of the same opinion that John Coakley, thought, that that was good. That Anne Foley, teacher and planner under Title III programs, confirmed the same opinion, as did other witnesses.

On the other hand, Paul Parks, secretary of education, office of the Governor, didn't feel, from the standpoint of higher education, college cooperation, that there was a need to sensitize teachers to these special curriculum problems facing the Puerto Ricans and their linguistic minorities in this Boston area, that it had no significance as part of the educational fabric.

Now, Mr. Parks—

Commissioner Horn. Excuse me, Mr. Chairman.

Is my colleague certain that Mr. Parks said this? I got a different impression, and I wouldn't want to—

Commissioner Ruiz. I have several notes on it and I carried it all through.

Commissioner Freeman. Mr. Commissioner, you misunderstood him.

Commissioner Ruiz. I did?

Commissioner Freeman. Yes, you misundertood him.

Commissioner Ruiz. He mentioned—I may have been in error, but I don't think so—as part of the educational fabric he didn't feel that that was good.

Commissioner Freeman. He didn't say that.

Commissioner Ruiz. He said he was biased on it, didn't he?

Commissioner Freeman. No.

Commissioner Ruiz. Well, the record will come out, and I'll retract the question in that fashion up until mentioning Paul Parks.

Do you think that that's a good idea?

Ms. Brisk. I think that it's important not only to train the teachers who are going to be working directly with the bilingual children, but to sensitize the rest of the teachers in the school and the principals and the administrators as to what one is trying to do in bilingual education. I think that's fundamental, because otherwise there's lots of negative vibrations.

Commissioner Ruiz. No more questions.

Chairman Flemming. Thank you very much, Commissioner Ruiz.

Commissioner Saltzman?

Commissioner Rankin?

Commissioner Rankin. Would you recommend the abandonment of Latin and the substitution of Spanish or French or something like that?

Ms. Brisk. That is a hard question. I had to study Latin myself. I'm prolanguage, obviously, since I'm multilingual myself. I don't think one language should have more priority than another. Of course, the modern languages are more useful. From a pragmatic point of view, the modern languages are more useful.

Commissioner Rankin. My father was a professor of Latin and he differs just a little bit.

Thank you.

Chairman Flemming. Commissioner Freeman.

Commissioner Horn?

Commissioner Horn. I have no questions.

Chairman Flemming. We have been looking forward to your testimony because as you probably know, the Commission did put out a report just within the past few weeks on issues in this area. Have you had the opportunity of examining that report?

Ms. Brisk. I just got it. Actually, I worked with some of your people when you just started, in '73, I guess.

Chairman Flemming. Do you find yourself in agreement with the basic thrust of our report?

Ms. Brisk. Yes.

Chairman Flemming. As I listen to you and listened to you respond to Commissioner Ruiz's questions, it seemed to me that we were working towards the same objectives. Personally, I was delighted to have the opportunity of being associated with that report, because I think it does clear up some issues which have stood in the way of the bilingual and bicultural.

On the question, Commissioner Ruiz, of Secretary Parks' position, of course there is one of the reasons why it's very advantageous for us to have a verbatim transcript, because we sometimes do hear things differently, and of course, this can be cleared up. As I recall it, I think really what Secretary Parks was indicating was that growing out of his own background, he had a special interest, but he didn't, you know—reject the bilingual and bicultural area. I think he recognized, although he was bearing down on another point, and his emphasis was on another point.

But I certainly feel that the leadership that you're providing in this area in Boston and throughout the State is leadership that we really need, and we're very grateful to you for it, and we're very, very happy that you could be here as a witness and participate in this hearing in this way.

Ms. Brisk. I may add you're grateful to me, but actually the work was really done by the parents, and they deserve all the credit of the work. They worked very hard, sleepless nights, and got all the community organized so that was the greatest benefit of Phase II, to get the community organized.

Chairman Flemming. I'm glad that you've emphasized that, because already in our hearings as we have identified positive steps that have been taken dealing with this very difficult issue, we have reason to be thankful to parents who are willing to take the lead, who are willing to be involved, and willing to be committed, and as we look, as you look forward to Phase II, it's obvious that Phase II has given the parents an opportunity to become involved, but it's likewise clear that they've taken advantage of that opportunity, and we appreciate your being here as their spokesperson. Let me put it in that way.

Thank you very, very much.

Counsel will call the next witnesses.

Mr. Glick. Mr. Chairman, the next witnesses are Mr. Robert Lamphere and Mr. William Choinard, and I'll ask Mr. Stocks to proceed with the questioning of these witnesses.

Mr. Stocks. Mr. Chairman, Mr. Lamphere has brought with him Mr. Kevin Gordon, who is the staff director of the program that he will be testifying about.

Chairman Flemming. Okay.

[Whereupon, Robert Lamphere and William F. Chouinard were sworn by Chairman Flemming.]

TESTIMONY OF ROBERT LAMPHERE, VICE PRESIDENT, JOHN HANCOCK INSURANCE COMPANY; AND WILLIAM F. CHOUINARD, EXECUTIVE DIRECTOR, CHAMBER OF COMMERCE

CHAIRMAN FLEMMING. Thank you very much, we appreciate your being with us.

MR. STOCKS. Mr. Lamphere, would you state your name, address, and occupation for the record, please.

MR. LAMPHERE. My name is Robert J. Lamphere. I live at 45 Thackeray Road in Wellesley Hills. I'm a vice president of the John Hancock Mutual Life Insurance Company. I'm the chairman of the urban affairs group of the chamber of commerce, and I'm a chairman, a cochairman of the trilateral task force. The full name of the task force now officially is the Trilateral Council for Quality Education, Inc.

MR. STOCKS. Would you tell us what exactly is the Trilateral Council for Quality Education, Inc.?

MR. LAMPHERE. Well, the trilateral task force was formed last July 1, 1974 by representatives of the chamber of commerce, the National Alliance of Businessmen, and the school department, in order to do what we could do improve the quality of education in the Boston school system.

MR. STOCKS. How exactly does it operate? What does it do?

MR. LAMPHERE. Well, basically today its most important function has been to form partnerships with each one of the 16 high schools. We have a total of some 19 companies who are working in the partnership with the individual high schools, and in addition to that we have a consortium of other business professions such as real estate, accounting, law, and others who are providing a backup capability for our work in the schools.

MR. STOCKS. You indicated that there were two partners in this program. Which partner took the initiation to start the trilateral program?

MR. LAMPHERE. I think that's a little hard to say. There were a series of meetings last summer. In April of 1974 Kathleen Sullivan of the school committee approached Chairman Gerhard Bleicken of John Hancock and asked him to take the lead in getting the involvement of the business community in doing what it could to calm the situation in September, and particularly to do something about the quality of education in the school system.

Out of that came a series of meetings in June and July of business community leaders, consultation between the people that were involved with the National Alliance of Businessmen, the chamber of commerce, both of whom had been working in the past with the school systems with a variety of programs such as the Flexible Campus

Program, the Boston Youth Motivation Program, the Career Guidance Institute, which is for teachers, and other similar efforts.

So that we weren't all that new to working with the school system. So I would say it was a joint effort of both the National Alliance of Businessmen and the chamber of commerce.

Mr. Stocks. Has your company undertaken any specific activities dealing with school desegregation in Boston?

Mr. Lamphere. Well, I think my company and other companies last summer worked together, particularly in urging the mayor to take a leadership role, doing what we could within our own companies through house organs and the like to tell our own employees about our consideration for need for calm and peace at the time of the school opening. A number of the companies participated in task forces. We met with media leaders, who formulated a particular program. We took their media statement and published it in house organs and the like.

Mr. Stocks. Does your company have any plans for activity that might relate to school desegregation during Phase II?

Mr. Lamphere. I don't think specifically, no, sir, other than our continuation of the feeling that the greatest impact we can make is on the quality of education, and if the people of Boston perceive that the business community, the universities and colleges are working in the direction of trying to improve the system, I think that will probably carry more weight than anything else we might do.

Mr. Stocks. Is the trilateral program going to run into Phase II?

Mr. Lamphere. Very definitely. I think there is a recognition of—by all of the companies that we're engaged in something that isn't going to come to an end, that the contribution we could make will be building on what we've accomplished so far, and certainly not stopping at this point.

Mr. Stocks. Thank you. Mr. Chouinard, would you state your name, address and occupation for the record, please?

Mr. Chouinard. My name is William F. Chouinard. I live at 167 Dillingham Way in Hanover, and I'm employed as the executive vice president of the Greater Boston Chamber of Commerce.

Mr. Stocks. How large, in terms of numbers of companies or members, is the Boston Chamber of Commerce?

Mr. Chouinard. Approximately 1,600 business firms scattered throughout the metropolitan area.

Mr. Stocks. Could you characterize the dominant type of business in the Boston area? Is it heavy industry, manufacturing, banking?

Mr. Chouinard. The service industries: banking, insurance.

Mr. Stocks. Do they have a large work force?

Mr. Chouinard. Yes, they do.

Mr. Stocks. Do you have any idea of the total number of that work force.

Mr. Chouinard. It would be difficult to give you a precise figure. It's obviously very substantial. We have approximately 200,000 people that enter the city of Boston every day for employment purposes. I'd say that represents a fraction of several hundred thousand, 800,000, a million.

Mr. Stocks. Do you have any idea of the percentage of persons who live in Boston working in the business community? Do they constitute 50 percent of the employees, 100 percent, 80 percent, 60 percent?

Mr. Chouinard. That varies from firm to firm, but we do have a heavy concentration of city of Boston people working in the banking, insurance industries. The school system represents a very definite labor supply for the major industries in this area.

Mr. Stocks. Do you have any idea what percentage of the Boston city government budget comes from taxes levied on the business community?

Mr. Chouinard. Oh, I'd say approximately 40 percent.

Mr. Stocks. Are you aware of any activities that the chamber of commerce has undertaken on the issue of school desegregation this past year?

Mr. Chouinard. Well, Mr. Lamphere has, I think, outlined the activites which the chamber had in conjunction with the trilateral task force.

In July of 1974 the chamber did issue a public statement which in effect urged the citizenry of Boston to in effect work towards a safe and an orderly implementation of the Federal court desegregation order. This statement in turn was distributed to our membership and there we asked each of our chamber members to distribute this kind of statement to our employees. And I have copies of that for the record, if you'd like.

Chairman Flemming. Without objection it will be entered in the record at this point.

Mr. Stocks. That will be exhibit no. 10.

[The document referred to was marked exhibit no. 10 for identification and received in evidence.]

Mr. Stocks. Does the chamber have any plans for undertaking a program during Phase II of school desegregation?

Mr. Chouinard. Well, again, our primary efforts are going to deal with the activities of the trilateral task force. Our participation there is obviously very much a part of the magnet school concept which is part of Phase II, and we're fortunate in that we've had a successful start on that program in the period of last year, and we hope to build on it, but we don't have any defined parameters to that.

Our end objective here is to maximize the amount of business input that we can into the educational process, and we have under consideration now—you know, a number of ideas and concepts that could be part of it, but it's important to realize that the business community has for the last 3 or 4 years begun to take a deeper interest in the quality of the educational process in the city, and the trilateral and partnership program, which is now part of the magnet concept, is kind of a maturation of that process.

Mr. Stocks. I have one question for Mr. Lamphere.

Mr. Lamphere, would you say that the trilateral program came about in part as a result of the business community finding the employee who has been educated in the Boston school system, one who lacks the necessary skills to carry out his function?

Mr. Lamphere. Well, we employ a high number of people that come directly out of the Boston public school system, and I don't know the statistics today, but a number of years back I know that we were hiring more people out of the suburban schools than we were out of the Boston school system. Exactly why that was at that time, I don't know, but there certainly are some fine people coming out of the Boston public school system today.

Mr. Stocks. Is the trilateral program designed to improve the skills of persons participating in that program so that they might be better prepared to serve an industry?

Mr. Lamphere. Very definitely. We have a lot of different kinds of things going on in the partnership effort. Perhaps I could give you one or two.

Computer education. I think perhaps all of the businesses that are involved today in the partnership program have big computer installations. Computer education is being taught in high schools today. When you marry our capabilities and our needs in this particular area with what is currently going on in the high schools, it's a natural kind of thing.

Another a little different example would be the do's and don't's of applying for a job. How to dress, what to say, how to fill out an application blank, how to handle yourself, this type of thing. And we've got a variety of this kind of effort going on with the schools.

Business curriculum courses. One of our partners sent out to a business course at Brighton High a trained executive secretary, and the kids swamped her with questions, because all of a sudden they were getting it like it was in the business world, and not just stenography, general stenography, typing, and the like.

And this is the kind of an effort that can go forward.

Now, I do think that our next major thrust is going to be in the area of occupational education, career education, something a little broader than vocational education. We hope to get started on that this fall.

Mr. Stocks. I have no further questions.

Chairman Flemming. I'm interested in the plans that are being developed in the area for Phase II.

Mr. Lamphere or Mr. Chouinard, or both, have you been invited to participate in any communitywide planning that is taking place—any communitywide planning for Phase II?

Mr. Chouinard. Mr. Flemming, the president of the chamber has been invited and accepted to serve as a member of the citywide [coordinating] council. And to that extent, yes.

Chairman Flemming. That's the citywide council that was appointed by the judge. Correct?

Mr. Chouinard. Yes.

Chairman Flemming. In addition to that, have you, or has the president been invited to meet with any other segments of the community looking forward to Phase II?

Mr. Chouinard. Well, we have, in fact, initiated, some of the business community have initiated, meetings with both Judge Garrity and members of the educational community, to frankly discuss the total involvement of both these communities in this Phase II effort, and I think we've had some advantage in this situation because of our involvement this past year, and so that from our standpoint we've enjoyed a good relationship with the Boston School Department. It's one in which we have some confidence, and likewise they have in us, and frankly, we think that the work that Bob Lamphere and some of the other firms have accomplished in this past year represents a fairly solid foundation from which a lot of good things can grow. And I guess that's pretty much where we're at right now.

Chairman Flemming. Okay.

If I could return to the trilateral committee, has that committee developed any specific plan for Phase II, growing out of the fact that Phase II is quite different in many respects from Phase I?

Mr. Lamphere. Well, as Mr. Chouinard said earlier, under the judge's order, we're going to be going more and more in the direction of a magnet concept. We hope to increase our participation with the schools. We have, as he indicated a moment ago, met with both the judge and the university people. We welcome the participation of the university people into this arena.

But I would characterize this as more in the direction of working with the school system than I would the Phase II part of the judge's order. Because as we see it, we're trying to do something to improve that school system regardless of under whose orders the thing is taking place. We're very mindful of all aspects of the court's order. We will try to do what we can to enhance our participation in this, but we're thinking about the school system as a whole, rather than necessarily the judge's order.

Chairman Flemming. Do you feel, as a very important segment of the community, an obligation to do—I'm speaking now of the business community—an obligation to do everything possible to ensure the effective implementation of Phase II?

Mr. Lamphere. Well, part of that, of course, involves talking to your own employees, and I guess part of it could involve trying to talk to the community at large. A fairly major effort was made last summer to talk to the community at last, on the part of both the business community and the media people. That particular effort didn't bear much fruit.

CHAIRMAN FLEMMING. Do you feel, then, building on that experience, that either it's unwise to try to rally the portion of the community that you represent back of the implementation of Phase II?

MR. LAMPHERE. Well, as Mr. Chouinard said a moment ago, there will be business representation on the citywide educational council which comes under the judge's orders. Those people will be working directly for the judge as the eyes and ears of the court. They will be carrying out their duties as part of that particular effort. So there will be a definite participation through that vehicle which has been set up.

But in addition to that, we really feel, or I personally feel very strongly that the greatest impact we can make is what we do about the educational system.

CHAIRMAN FLEMMING. Will—do you feel that the business community will not only be represented on the coordinating council, but will indicate to the community that it is supporting the work of the coordinating council, supporting the kind of duties and responsibilities that have been assigned to the coordinating council by the judge?

MR. LAMPHERE. I think so.

CHAIRMAN FLEMMING. Certain businesses are named in the Phase II memorandum of opinion; am I correct on that?

MR. LAMPHERE. That's correct.

CHAIRMAN FLEMMING. How many? Is it about 20?

MR. LAMPHERE. Nineteen.

CHAIRMAN FLEMMING. Nineteen.

MR. LAMPHERE. Well, I guess 20 is the correct number. One of them isn't that active with us at the present time.

CHAIRMAN FLEMMING. Have the 19 or 20 businesses that have been named in the court order come together as a group to take a look at the kind of responsibilities that the judge has assigned to them, to compare notes and help one another in the discharge of these responsibilities?

MR. LAMPHERE. Well, they come together as a group at least once a month. And there are in the agendas of those meetings, which are primarily built around the quality of education issue, but there are built into those agendas what is happening in the general scene. When I appeared before the Masters group prior to the Masters report, that was definitely reported and discussed before the partners. When the judge's order came out it was again discussed, so that there was no question but what there was a communication vehicle taking place there.

CHAIRMAN FLEMMING. I notice that you put a good deal of emphasis, you and Mr. Chouinard, on the magnet schools which are provided for in the order. However, I assume that some of the businesses are going to be related to some of the neighborhood schools.

MR. LAMPHERE. We're related to all 16 high schools, and we will continue to be related to all 16 of those high schools, and depending upon what their particular mission is, whether it's magnet school or otherwise, we will try to put resources back of that school to help them do their job.

CHAIRMAN FLEMMING. Could you just give us one illustration of what one company has done in relation to one high school, so we kind of get a sort of detailed feeling of what this relationship has meant, and then what you think it may be as far as the coming year is concerned?

MR. CHOUINARD. Mr. Chairman, before he answers that question I would say that I have—I have some releases and background reports on this program which would give you that kind of detail. The programs obviously vary from high school to high school, because each one has different needs, but this describes in very general terms exactly what is going on.

Computer education has been really, frankly, all kinds of supplemental—

CHAIRMAN FLEMMING. If I may interrupt. If it's agreeable with you we would like to have that submitted for the record as exhibit no. 11, as I—pardon me.

[The document referred to was marked exhibit no. 11 for identification and received in evidence.]

MR. LAMPHERE. Well, to answer your questions, let me take a specific company other than my own. New England Mutual, fairly early in the partnership, arranged for the videotaping of a film of the high school and the company itself, and put the thing together, in order to cement the idea of a relationship between the two.

Liberty Insurance Company has a driver-training education school out at Hopkinton. It's a skid school. And of course, this kind of thing is very popular with the kids.

Massport has a need for bilingual people to meet incoming passengers who come in and can't speak English. They've been using college students in this particular program. They found that bilingual high school students can function very well in that particular program.

My company brought in four interns last year, and they spent a number of months working with top executives. We probably will expand that to 12 to 15 this next year. We've got work-study programs where we're actually employing high school students.

Lots of this comes down to introducing the high school student to what is called the world of work, and to try to show him or her the relevance of what they're getting in school to what they're going to be doing once they go to work.

CHAIRMAN FLEMMING. Mr. Chouinard, you referred, and we have just inserted in the record, a communication that was sent out just prior to the implementation of Phase I. Do you plan to develop a similar communication to go to the business community in connection with Phase II?

Mr. Chouinard. I think that kind of a communication would be appropriate. Very candidly, we haven't—don't have anything right in the works at the moment.

Chairman Flemming. But it will.

Mr. Chouinard. I think what—let me answer your question more directly, Mr. Chairman. It's true that our—the business community has kind of fashioned its role, I guess, in this whole thing, in terms of focusing on quality of education. However, we're well aware of the fact that if Phase II is not an orderly situation, and we do not have the kind of attendance that allows even a quality educational process to survive, that we've got to consider what things we can do in a supplemental fashion—I say "supplemental" because I don't think we frankly see ourselves as one of the major actors in this situation—what supplemental things we can do to provide the kind of incentives and motivations to—one cannot only have in an orderly situation in Phase II, but one in which there is very definitely a better attendance track record than what we experienced this past year.

So all of these things are kind of in the pot at the moment, in terms of our consideration.

Chairman Flemming. The court, of course, in this memorandum of opinion, we note, has linked desegregation with quality education, and the court in the opinion has associated both the business community and the educational community with the order. And I'm glad, then, that you are thinking in terms of a communication to the business community that would be related to the memorandum of opinion, and I assume that it would be related to both aspects of the memorandum of opinion, both desegregation and quality education.

Is that a correct assumption?

Mr. Lamphere. Yes, I think it is.

Chairman Flemming. All right.

Commissioner Rankin?

Commissioner Rankin. Mr. Chouinard, all members of the task force are not members of the chamber of commerce. Your organization has more members than—

Mr. Chouinard. Yes. Well, actually, the trilateral task force is a tripartite arrangement with the—we have the professional staff of the Boston School Department, we have a number of individuals from the National Alliance of Business, and then a representation of many of the chamber member firms who are actually involved in the partnership program. And from time to time that group has also had discussions and conversations with a number of community people.

Commissioner Rankin. Is it difficult to persuade businesses to come into the trilateral task force?

Mr. Chouinard. No, I don't—it hasn't been at all. One of the reasons for that is that before the actual desegregation order was—became a reality, we had a "flexible campus" program which similarly involved cataloging all special business resources that could be brought to the Boston school system.

I have a document that would give you a flavor of it, but the idea is the same thing in some ways. It didn't involve one-to-one relationships between companies and high schools, but what it did involve was a catalog of internships and other types of resource offerings, tutoring services, lecturing situations, etc.

So I—no, there's been no hesitation to participate in work of the trilateral to the extent that its primary mission has been the partnership program. I'd have to say that there are a lot of companies who are very obviously nervous about the dynamics of desegregation.

Commissioner Rankin. Have you found willingness to involve themselves in school problems like driver-training and that, but unwillingness to get involved in the matter of integration?

Mr. Chouinard. Well, yes, in the sense of actual monitoring and this kind of thing, yes, I think there's been a kind of a hesitancy there, an understandable one, I think, in some ways. Many of the work forces of some of the major employers in this represent a kind of sampling of the community and there's a lot of the employers are hesitant to get emotions stirred and—by, you know, tremendously overt involvement in this.

But on balance I think most of the major firms in the city are committed to doing what they think they can do in an otherwise difficult situation.

Commissioner Rankin. Does the residence of administrative leaders outside the city limits, does that cause any difficulty at all, or not?

Mr. Chouinard. Yes, it does. I mean, it's very, very difficult for members of the business community to argue effectively with people who live in the city that their kids should be brought from one end of town to the other, when in fact most of them live in suburbia, and for whom this problem is something which they just simply read about. So I think the business community has—you know—finds the politics of that very, very difficult to contend with.

Commissioner Rankin. Have you been able to get around it—that objection?

Mr. Chouinard. No, I think that—as I say, I think the business community is trying to do what it thinks it can do in an otherwise difficult situation. We think the—we take it very seriously, and obviously the future of this city is very much at stake here.

Commissioner Rankin. It is a matter of concern, even though you live outside the city, isn't it?

Mr. Chouinard. Yes, it is.

Commissioner Rankin. It surely is.

Mr. Lamphere, you and the chairman agreed that 20 firms are going to work with the high schools. Is that right?

Mr. Lamphere. I said specifically that 19 were actually involved in the partnership.

Commissioner Rankin. All right. I'll accept either one. Did they volunteer to do this?

Mr. Lamphere. Yes.

Commissioner Rankin. They weren't urged, I mean?

Mr. Lamphere. Well, what actually happened was, once we had formed the trilateral task force last July 1, Dr. Father C.V. Joyce, who was from the National Alliance of Businessmen, and the metropolitan chairman of the National Alliance of Businessmen, and myself, as the chairman of the urban affairs group, approached the leading business firms and I think by not too long after the opening of school we had 12 lined up, and then little by little we talked to more and more of them, until we had all 16, and then we extended it to some degree beyond that.

Commissioner Rankin. Well, could you go to 30?

Mr. Lamphere. I think we could go to 30. The possible problem there is—the thing that makes this thing work is the one-to-one relationship between key people in a business firm or perhaps two business firms, and key people in the high school, and developing a feeling of trust and understanding.

In other words, you go into the high school and you don't try to tell them that you know how to run the high school. You try to talk to them in terms of what resources you have, and what their problems are, and how the two things might be put together. And it's this building on this relationship that makes the thing work, and hopefully the same will be true of the universities and colleges.

Commissioner Rankin. You work directly through the schools, not through your employees into the schools.

Mr. Lamphere. Well, you select a person or persons in the company to head up the effort. In my particular company it happens to be a second vice president in the EDP department, who happens to have an interest in education. And he mobilizes a team of people around him, and then, depending upon what the requests are, reaches out and brings additional people, whether it's from our public relations department, the personnel people, or whoever, to help out.

Commissioner Rankin. It might be interesting to get his reactions too, mightn't it, to this problem?

Mr. Lamphere. Yes, and—you know, he's closer to it in many ways than I am, because he works right with it, and he and the headmaster of the English High School had a very friendly, ongoing relationship out of what's been happening.

Commissioner Rankin. Thank you.

Chairman Flemming. Commissioner Saltzman?

Commissioner Saltzman. Mr. Lamphere, may I ask, how many employees does the John Hancock office in Boston have?

Mr. Lamphere. Well, we talk in terms of about 7,000 home office employees.

Commissioner Saltzman. Do you know what is the ratio of employment of minorities, racial and religious minorities, in that 7,000 figure?

Mr. Lamphere. Offhand I don't, and I definitely have no information on the religious side of it. I've heard the figures on the minority, but I don't have them ready at hand. It's a substantial minority representation in John Hancock, with a substantial number of blacks employed by us.

COMMISSIONER SALTZMAN. On what level? Do you know?

MR. LAMPHERE. The highest proportion at the clerical level.

COMMISSIONER SALTZMAN. Does your firm have an affirmative action program, do you know?

MR. LAMPHERE. Very definitely, sir.

COMMISSIONER SALTZMAN. It does.

I am going in this line of questioning because I'd like to comment with respect to Mr. Chouinard's point that business is not one of the major actors in this effort. It would seem to me that business indeed is one of the major actors in the overall effort, because it's not merely an isolated reality, the segregation of schools, but part of an entire pattern of employment and housing, etc.

And one of the witnesses yesterday pointed out to us how the degree of hopelessness even more than poverty pervades the minority communities. When there is no hope of employment, no hope of a sense of fulfillment, then that has implications in the minority community for the learning process and for attitudes in the minority community.

So I think the responsibility of business in this area goes beyond just the issue of desegregation in the schools, however, including that as a major factor.

May I ask, Mr. Chouinard, is there an organizational structure in the community that combines the business, the social, the political, the religious elements in something like an urban coalition, that can address the problems of the city in some kind of cooperative effort?

MR. CHOUINARD. There was a urban coalition earlier, Mr. Saltzman, but it frankly fell apart, because of the nonparticipation largely of elements other than the business elements. I would just like to clarify that when I said I didn't perceive the business community as a major actor, I meant in the particulars of the actual desegregation. In other words, we're not charged with trying to run the school system; we're not caught up in the mechanics and the administration of Phase II, nor are we charged with, you know, with public safety. So very obviously, in relation to that, the role we are playing, although it may be substantive, is still a supplemental one.

I agree, however, that if you want to broaden the landscape and talk about the entire social and economic fabric of the community, yes, we're obviously a major actor.

No, there is no central organization in the community that—with the possible exception—we have an antipoverty agency—

COMMISSIONER SALTZMAN. I'm sorry, what was that?

MR. CHOUINARD. We have an antipoverty agency, Action for Boston Community Development, which I think probably has a fair cross section of all facets of the community involved there. Their programs are relatively diverse, but in the past have tended to concentrate in mainly the—in manpower areas. I don't think they have really inserted themselves strongly into the whole educational area.

Commissioner Saltzman. Well, not to toot the horn of my own native city, but in Indianapolis our mayor has organized what is called the Greater Indianapolis Progress Committee, which brings together executives of the highest level: the presidents of firms, banks, insurance companies, religious leaders, political leaders, to address and to organize task forces in common effort around problems like this. And I think a city that brings together the constructive cooperative forces of these major elements has a better vehicle for movement in these areas.

Just as a suggestion, I think business can be a force for organizing such an effort.

Was the statement that you said the chamber of commerce issued covered widely by the media, or was it just distributed?

Mr. Lamphere. It was not give that wide a coverage. But I think the media's own statements, and the media's own actions in the weeks prior to the opening of school was a fairly massive undertaking on the part of a media group here in Boston to talk to the citizens of Boston and to call for the safety of the children and calm and reason at the time of the opening of schools.

And they really went all out. We met with them several times before that particular statement was issued. The electronic media particularly. The various TV stations each took a different aspect of it. Some went into other cities and reported back. So that there was a major undertaking on the part of the media.

Commissioner Saltzman. This was relative to safety and to common sense.

What I mean to focus in on: Did the business community exert an influence relative to the moral issues, saying with respect to their own moral leadership, that desegregation is not only the law of the land, but the responsibility of Americans faithful to the Constitution, and its implications? Was there that kind of moral leadership?

Mr. Lamphere. Well, I think you can read the—you know, the chamber's statement itself speaks for itself. I think the consideration, the major consideration on the experts that were here, was "Don't try to preach to the people of Boston," that to try to preach to them when they didn't like—the majority of them didn't like forced busing, was going to be self-defeating. But if you talk in terms of the safety of the children and the need for obeying the orders of the court, that this might carry greater weight than talking about the moral issues of desegregation.

Particularly I think, as Bill Chouinard said earlier, when you've got the community outside of Boston, which is not under any orders of the court, and it's a little hard to be telling the people in South Boston or Charlestown or East Boston that they're being forced to do something, when your own children are not being forced to do something.

So that's one of the aspects of this that I think convinced people not to try to talk solely about the moral issues, but to talk in terms of the need to obey the law, and the need to see that their children were safe in going to school.

Commissioner Saltzman. As a side comment, I am somewhat dismayed that in the United States of America, a moral ideal has to be avoided in a segment of the American community.

Mr. Chouinard. Mr. Saltzman, I wonder if I might just respond a bit more to that. In our July statement last summer, we very definitely addressed the whole issue of adherence to law. I think what Mr. Lamphere is suggesting is at the time for that, in the months of September, October, November, there were meetings by elements of the community, religious, educational, business, etc., and I think there were a number of these elements at that point in time who were prepared to make further statements in support of what you're talking about, but I think the judgment of the mayor and others at that time was that these statements had frankly an inflammatory effect and that there was, I think, a climate of opinion at that point in time which said, "Let's try to keep this situation cool. The time for statements is past. We're in the middle of this thing. Let's just try to maintain order."

Whether that was right or wrong, I can just submit to you that that was the thinking process that was evident at that time.

Chairman Flemming. Commissioner Ruiz.

Commissioner Ruiz. On this moral issue, even though some executives may not reside within the city limits, from a practical point of view, which affects the pocketbook, what proportion of the Boston residents that live within the city limits constitute the labor force, that is to say, the employees of the the companies such as yours?

Mr. Lamphere. I think that 60 percent of our employees live within the confines of the city of Boston.

Chairman Flemming. You're talking about John Hancock.

Mr. Lamphere. I'm talking about my company, John Hancock.

Commissioner Ruiz. The overall picture would be about 50 percent, would you say?

Mr. Lamphere. I don't know.

Mr. Chouinard. That might be a little high.

Commissioner Ruiz. About 40 percent?

Mr. Chouinard. Yes.

Commissioner Ruiz. Forty percent.

Mr. Chouinard. That is my guess.

Commissioner Ruiz. Now, it's been generally agreed that the quality of education issue is the overriding issue and subject matter of these hearings, and this issue is directly tied up with the court order. I noted that Mr. Lamphere stated that he was thinking of the school system as a whole instead of just thinking of the judge's order.

Apparently, from what I see, not necessarily tied in with the moral issue here, is that this philosophy coincides with business necessity and Bostonian necessity. With this community of interest, it may be difficult to dislodge, or it may not be difficult to confront the antidesegregation community, particularly if between 40 and 50 percent of the labor force of this community is dependent in its pocketbook for the setup that has been described here.

Perhaps with this background you may not have to preach; you may not have to shove anything down the throats of people, but those simple factors I think should be brought to direct light and publicized.

Chairman Flemming. Commissioner Freeman?

Commissioner Freeman. Mr. Lampert, is there a United Way or United Fund here in Boston?

Mr. Lamphere. Yes, there is.

Commissioner Freeman. Well, I would like to—the United Way and United Fund concept, as you know, is one that was initiated by the business community in those communities where it is—this is true in St. Louis—because the business community found that it was in the best interests of the total community to have the social welfare and social service needs come from one campaign, rather than from having many different campaigns.

Here we have a situation where the climate of this community has been—well, has been very adversely affected by a continuing problem and there has been, according to the testimony here, no leadership that has been exhibited to solve it, nor is there a recognition that anybody needs to do anything about it.

I'm suggesting to you that the same kind of attitude could be exhibited to show that it is in the welfare of this community for the business leaders to take some initiative. And you know, some people were saying—you were saying that you don't want to tell the employees that their children are being forced. Well, much of this is in the sort of the code words that have been used, such as if a glass is half empty or a glass is half filled.

The fabric and quality of life in Boston are not going to change unless attitudes are going to change. So I'm coming to a suggestion that just as Hancock has had human relations seminars for its employees in various sections of the country in terms of its affirmative action program, that a component of those human relations seminars would be to include some attitudinal concepts that will enable the citizens of this community to get away from their closed-in ethnicity and transcend the barriers of and capitalize on the diverse cultures and the diverse races. And I'd like to know if you will comment on that.

Mr. Lamphere. Well, first I'd like to comment on your statement that there's been an absence of leadership. The business community on its own, with perhaps the—some encouragement from School Committeewoman Kathleen Sullivan—but it sponsored a series of meetings of the business leaders last summer.

Commissioner Freeman. I'm talking about including your employees.

Mr. Lamphere. Well, but I want to get the point that we took the initiative. We have taken the initiative along the line in a number of different areas in meeting with people on the problems of this. I was talking earlier in terms of how we would be the most effective.

Now, in the months prior to school opening, I think my company must have run six or seven articles in its house organ to our own employees, talking to them in terms of this issue, talking to them in terms of the need for calm and reason with the opening of schools, encouraging, in effect, the parents who had children in the schools, the brothers and sisters of children in the schools, to reason with these people. We took that stand last year.

Commissioner Freeman. Do you have copies of those articles?

Mr. Lamphere. I can supply them to you, yes.

Commissioner Freeman. It would be helpful if we could have copies of those articles for our record.

Mr. Lamphere. I'll see that you get them.

Chairman Flemming. Without objection they'll be entered at this point as exhibit no. 12.

[The documents referred to will be furnished, at which time they will be marked exhibit no. 12 for identification and received in evidence.]

Commissioner Freeman. I would still, Mr. Lamphere, ask you to comment on the further work, because you indicated that your employees represent a composite of the community, which means that it is quite possible that some of the employees were those that were standing around the buses. And would you not consider that a series of human relations seminars built into the employee program would be helpful?

Mr. Lamphere. Possibly it would.

Commissioner Freeman. And if the business community would consider this as a communitywide program to assure that something further is being done in terms of bringing about an attitudinal change, which certainly seems to be necessary here.

Mr. Lamphere. Whether it would or would not bring about an attitudinal change, I have no way of knowing.

Commissioner Freeman. Thank you. I was just asking if you would consider it. I think that whether it was good or not would depend upon how it is projected, whether it was projected in a positive, enthusiastic way, or whether it was done in a negative, "I don't care about it" way.

Mr. Lamphere. Well, we did consider that a year ago. There was some consideration of it, as to whether it should or should not be done at that time. I think the general consensus was that with the mood of this city last summer, it was not going to influence the minds of the employees.

Commissioner Freeman. I'm just urging that with the mood of this city, something should be done to turn it around and make it go forward in a positive way, rather than becoming increasingly negative and hostile.

I have no further questions.

Mr. Lamphere. Yes, ma'am.

Chairman Flemming. Commissioner Horn.

Commissioner Horn. I think the line of questioning which Commissioner Flemming, Commissioner Rankin, and my other colleagues have pursued reflects the great hope and emphasis that the members on this Commission as members and citizens place in the business community and the opportunities that it might be possible for you and your colleagues around the country to pursue in carrying out various aspects of the law, among them desegregation.

I think your comments, and also the feelings of some of us that know the difficulties in these situations, reflects some of the dilemmas that confront not only Boston, but the business community elsewhere, and I'd like to pursue them with a little more specificity.

You mentioned there are 1,600 firms in the Greater Boston Chamber of Commerce. In your decisions as to what type of a statement you issued at the time of Phase I, it was clear that one of the things—and I think quite properly from your standpoint—that concerned you was the fact that a large number of the chief executives of your firms did not live in the city of Boston, but lived in the suburbs, and that any statement you might have issued would be subject to immediate attack from those who did live in Boston, that "It's easy for them to talk about 'the problem,' because they don't live here; they leave at 5 or 7 or 8 or whatever in the evening and go out to the so-called affluent suburbs."

Now, of the 1,600 members, do you have an estimate as to how many chief executives of those firms do live in the suburbs and not in the city of Boston?

Mr. Chouinard. I'd say it's inordinately high. Around 90 percent easily.

Commissioner Horn. In other words, 90 percent of the business leaders, so-called, of the greater Boston area, do live in the suburbs.

Mr. Chouinard. Yes.

Commissioner Horn. And of the 1,600 firms, how many of those firms are physically located within the confines of the city of Boston as opposed to being out in the electronics routes of 128, whatever?

Mr. Chouinard. Oh, I'd say 60 percent of our membership is city of Boston located.

Commissioner Horn. Of the 1,600 firms, how many firms are from the real estate industry?

Mr. Chouinard. Well, this is really just guesswork. I'd say 50 to 100.

Commissioner Horn. Fifty to 100.

Of the 20 firms listed in the Phase II memorandum of the court, about what proportion of workers of your total membership would those 20 firms represent? Do we have any idea on that, or is there a way we can get the data?

Mr. Chouinard. Well, I think it would be a fair statement to make that the 20 firms who are involved in the partnership program are among the major employers of this area, and so I think they would statistically make up a fairly significant—although it's quite misleading. I mean, we have some very large firms here, but once you get beyond the 50 or so large firms in this Boston area, then you're essentially talking about a small business Mecca.

Commissioner Horn. The reason I ask some of these questions, of course, is based on this Commission's experience in other urban-suburban areas. We issued a report on equality of opportunity in suburban access, starting in hearings in St. Louis, and later Baltimore, Washington, D.C., where we found the pattern that's not unique—it's true of many parts of the country; it's probably increasingly true of Boston—that in the post-Second World War period, industry has generally gone to the suburbs, left the center city, therefore decreased the tax base which the center city has, upon which to raise the revenue to provide public services, and yet, as poorer people, be they white or black, and in many cities it's increasingly minority, come to the urban area, they demand more services; the city has less revenue with which to pay for those services.

Now, what is your experience in Boston? Is that a similar pattern here in Boston?

Mr. Chouinard. Well, we lost a great deal of manufacturing and wholesale activity in the central area, but I think in the last 10 or 15 years, that that loss has been more than compensated for by the growth in the so-called service industry.

Commissioner Horn. This would be insurance and—

Mr. Chouinard. In fact, the exodus of some of the manufacturing activities has gone well beyond the boundaries of the metropolitan area itself. In other words, we've lost these to other States and to other regions.

In terms of tax base, I'd only say that it used to be a valid thought that the city's survival depended on its property tax base. I don't think that's true any longer, frankly, and when you look at the overall makeup of the city's budget, revenues and its expenditures, other income from State and Federal sources today is more frankly, in my view, a much larger determinant of a city's ability to provide services.

And that's because simply expenditures increased at a rate of something in the area of 20 to 25 percent in a major city like Boston, while its tax base probably increases, if at all, probably 1 to 2 percent, so after you go through several years of that, obviously something else becomes more primary.

Commissioner Horn. One of the reasons, of course, I pursued the proportion of real estate firms, the problems of suburban access, is, as one of my colleagues began to suggest, that there is a trilogy between education, and an individual's ability to get such education, in an extremely and increasing technological society, and then to get a job; if they don't have the education it's unlikely that they'll get a job; and if they don't get a job, it's unlikely that they'll have the wherewithal to buy a house, be it in the city or the suburbs.

Given those series of assumptions, given the fact that maybe one-sixteenth of your membership are real estate firms, I wonder, has the Chamber of Commerce of Greater Boston taken any stand on such matters as fair housing? You've obviously taken a stand on the public safety aspects of desegregation, but have you been involved in any way in the fair housing issues for this area?

Mr. Chouinard. Yes. As a matter of fact, our chamber of commerce has in the last 2 years been advocating in effect a form of metropolitan government for the Boston area, because we believe that many of the solutions that we face here in the central city are—ultimately require some form of metropolitan solution. And housing is certainly one facet of that. But frankly, when you get into the economics of land, preservation of resources, etc.—and so I think accurately I can state that the business community generally recognizes the context in which many of these problems are occurring, and we look forward to some logical solutions to them.

But we've had our—we've participated extensively in equal employment opportunity programs; we have other business groups, real estate groups here, who have similarly involved themselves in fair housing situations.

The unfortunate aspect is that the evolution in these areas simply isn't happening quick enough to avoid some of the demographic kinds of situations that we have in this desegregation situation, and I don't know how we can accelerate them, frankly.

Commissioner Horn. Well, one of the things this dialogue suggests is, of course, that the business community, in an area such as Boston, or New York or Los Angeles, is not really a business community. It's a very fragmented community. You might come together for agreement in certain areas, but it isn't as it was perhaps 50 years ago, when the business leaders perhaps would live on Beacon Hill, or within Boston, would be near their place of work, would be much more actively involved in the politics of the city, in the public sense. If they wanted to urge the mayor to do something, they could meet at their club, or walk over and see the mayor, or contribute more actively or be listened to more actively and have easier access than if they were living in the suburbs. Is that a fair statement of the condition of business in Boston?

Mr. Chouinard. I'd say somewhat facetiously, Mr. Horn, we're a kind of a minority group these days. No, I think we still have access, but I think it's certainly true one witness is the contemporary thought in American politics that the business community is the establishment. It simply—I don't think has maybe the whack and the impact that it might have had as many years back as you're referring to. We obviously still have access to the political process, political leaders.

Commissioner Horn. Do you feel you're listened to, or do you just sort of—

Mr. Chouinard. Not often enough.

Commissioner Horn. No.

Because I think that's what some of the questions of my colleagues were leading to, was the influential role, for example in desegregation in Omaha, which was getting out of hand for a while, one of the leaders of one of the major banks in town convened about 30 of the business leaders in Omaha who did live there, and they made it increasingly clear to the city government, and tried to to the school board, that they expected certain things to happen for the public peace and the progress of Omaha And some of these things started happening. And that can still happen in a few cities.

Mr. Chouinard. Not too many, though.

Commissioner Horn. Well, I agree, and apparently not in Boston.

Let me just move to a last area of questioning here, and that is, of course, all of us are delighted with what the business community is attempting to do in working with the schools. You mentioned your relation to 16 high schools, and you mentioned that you were hoping to get increasingly into so-called career education, by which we mean a lot more than simply vocational education, but giving the student at a very early age some of the options that might be open to that student in the real world.

What are your plans to get down to kindergarten, the elementary schools, so that students do start to see some of these choices and some of the opportunities, and perhaps overcome the hopelessness that was expressed in a series of questions asked yesterday, where the feeling was that it isn't just economics that deprived some people of learning and the reinforcement in the quest for education, but it's a feeling that even if they did learn, there's no place that it's all going to lead?

Mr. Lamphere. Well, we met yesterday, our steering committee met yesterday with a consultant group that is working with the school department—that is, it's trying to get input from all segments of the community, including the business community, on an occupational resource center that would be going in the direction that you're talking about.

In addition, I've had a series of meetings with top school department people over a period of months, and one of the things that we have worked out is to have a study made of—with projections on major occupational categories for the greater Boston area, in other words, the Boston SMSA. We hope to have this study finished by the early fall, and then I would expect that we would probably take five or six pilot areas of major occupational categories, try to bring knowledgeable people, not necessarily from our partnership, but from whatever industry—that is—would be involved in that particular category, look at what is currently going on in the school system, look at what is needed in the business or industry environment, how can we bring these two things together in a better way?

In addition to that, I would expect that while we have concentrated this first year on the high schools, that we will be wanting to move down to the middle schools at a reasonably early date.

COMMISSIONER HORN. One last question. In your quest to improve quality education in Boston, and to provide greater hiring opportunities for the graduates of Boston schools—and many of them are increasingly black or Spanish in background, to what extent do the collective bargaining agreements that many of your member firms have inhibit you in the hiring of individuals, or in continuing their employment? Has this been discussed by the chamber?

MR. CHOUINARD. Yes. I don't think it would be fair to say that that's an enormous problem. We run, and have run for several years, summer job programs in all kinds of employment situations, unionized, etc., and as I say, many of the internships have blossomed into employment situations. No, I don't think that's a factor. I think the—our state of the economy and the individual status of a given firm at a point in time probably has more meaning. I think the unions frankly realize that this kind of hiring situation has to take place, and that hasn't been a difficulty. It was maybe 7 or 8 years ago, I think, when the civil rights movement was first underway, but I haven't seen any real evidence of it in recent years.

COMMISSIONER HORN. Thank you.

CHAIRMAN FLEMMING. Mr. Buggs has a question.

MR. BUGGS. Mr. Chairman, I don't want to unduly prolong this, but I'm deeply concerned, I think as many of us are, and I particularly am, on the basis of several years of experience in dealing with business leadership in places around the country, and in watching what business leadership has done in so many cities, in areas dealing with race relations or the desegregation of schools.

I think most of us will remember that Atlanta, Georgia, for example, was able to deal effectively with the problems of desegregation there because the business leaders would have it no other way. In Tampa, Florida, they did a magnificent job of desegregating their schools without any difficulty whatsoever, because the business leadership would have it no other way. In my little home town of Brunswick, Georgia, desegregation of the schools went on there very easily, almost without notice, because the business leadership would have it no other way.

When I was serving as the vice president of the National Urban Coalition and worked with some of the elements in Boston, the business leadership was pretty much of one mind and of one voice with reference to its willingness to involve itself in that effort, and you're quite right, it was not the business leadership that caused the failure of that movement in Boston.

It's difficult for me to believe that what many writers have said about business leadership in most cases is not true of Boston, and that is, that by and large it is the hidden, the unseen power movers in almost any community, and I would think that in a situation such as is true here, the business leadership probably has about as much influence as in any other community in the United States.

And I'm just wondering if in your judgment—and I'm sure no one here can hold either of you two gentlemen responsible for what the business leadership does or does not do—whether or not there is indeed a lack of commitment. The business leadership generally does not operate to get its will done in the open. Most of the time it's done in the way that business leadership has, over generations, developed methods and techniques of having its will imposed in a community.

That is very rarely, in the final analysis, in the public way, that everyone could see. It has always been done in a much more subtle, and if I may say, a much more effective way. And those ways have always proved significantly satisfactory where the business community really wanted things to happen.

It seems to me that the main question that is posed for the people in Boston now, or for those who are looking at the problem here, is whether or not the business community really has the will and the desire and the commitment to use the same kind of processes with respect to the problem of desegregation that I think it probably still uses in other areas where they feel that the interests of the community, and therefore the interests of business, are being compromised in a negative way.

MR. CHOUINARD. Mr. Buggs, in a very difficult and very volatile environment, I think the major elements of this business community are committed to seeing a solution and a successful implementation brought about of the desegregation plan. If that commitment didn't exist I don't think, frankly, that in the past year, that we would have had the involvement that we had in things like the partnership program.

Is it enough? I think that's probably the question really more before this situation, and we don't think so. I'd say that a lot of people in the business community right now who have been thrashing around as to what can business properly do in the next several months to assist this community and bring it back together, and a lot of people have asked that question, and a few have provided meaningful answers, but at least they're still asking the question. And if they weren't somehow committed to seeing an orderly solution, if that's the way to characterize it, I don't think they'd even be bothering to ask any questions.

MR. BUGGS. Thank you.

Chairman Flemming. May we express to you our appreciation for your being here, for sharing with us the experiences that you have had, and for providing us with your insights, as you, as leaders and members of this community confront what is obviously a very difficult issue.

You've been very helpful to the Commission, and we appreciate it.

Mr. Chouinard. Thank you.

Mr. Lamphere. Thank you.

Chairman Flemming. Counsel will call the next witnesses.

Mr. Stocks. Reverend Weeks, Bishop Burgess, Cardinal Madeiros, and Rabbi Gittelsohn.

[Whereupon, Humberto Cardinal Madeiros, Bishop John Burgess, Rev. William Weeks, and Rabbi Roland Gittelsohn were sworn by Chairman Flemming.]

TESTIMONY OF HUMBERTO CARDINAL MADEIROS, CATHOLIC ARCHDIOCESE OF BOSTON; BISHOP JOHN M. BURGESS, EPISCOPAL BISHOP OF MASSACHUSETTS; REV. WILLIAM WEEKS, PRESIDENT, INTERDENOMINATIONAL MINISTERS' ALLIANCE; AND RABBI ROLAND GITTELSOHN, TEMPLE ISRAEL

Chairman Flemming. Thank you. We appreciate your being with us. Counsel will begin the questioning.

Mr. Stocks. Rev. Weeks, will you please state your name, address, and position for the record?

Rev. Weeks. My name is William J. Weeks. I am president of the Ministerial Alliance of Greater Boston. I live at 19 Holland St. in Roxbury.

Mr. Stocks. What is the ministerial alliance? Would you describe it for us.

Rev. Weeks. The ministerial alliance is, in fact, an interdenominational, interracial alliance of ministers within the greater Boston area.

Mr. Stocks. How many members do you have?

Rev. Weeks. Approximately 45.

Mr. Stocks. Are those members all of one racial group?

Rev. Weeks. They are not. They are both white and black in our alliance.

Mr. Stocks. Are you the president of that—

Rev. Weeks. I am the president.

Mr. Stocks. Can you tell us as president what specific activity that alliance undertook to assist the desegregation in the public schools in Boston in Phase I?

Rev. Weeks. In the early part of last year or prior to that, even prior to that, we were quite aware of the possible problems that might happen around the integration of schools in September, and undertook to plug into the educational task forces and even had one within the ministerial alliance. During the summer we conducted seminars, trying to orientate community, teachers, parents, and students as to what kinds of things that they might have to face in September.

We had some success with that as far as attendance was concerned. We also, during the summer, tried to draw together other members of the community in terms of their involvement and participation on this level, with a view toward peaceful implementation in September.

The last event, I would suppose, prior to the opening of school, was that we held a prayer breakfast, involving the alliance, the archdiocese, His Eminence, and many of the other religious factions in the city, in order to at least look for a sanction from God as to that peaceful implementation on opening day.

MR. STOCKS. Did your organization provide activities for its members and other persons such as monitoring buses or participating in schools as a resource during Phase I?

REV. WEEKS. We did, in fact, at opening day of school, we had a roster of 70 ministers who were assigned to various schools and districts. These ministers, along with as many priests from the archdiocese, monitored various schools, gathering places for students at the bus stops, and also, in the face of the violence that occurred, rode the buses from—to and from the schools.

We also participated within the schools when it became apparent that various disturbances were occurring there, and we felt that our presence was most meaningful in trying to abate and to deal with in some kind of spiritual therapy, the events happening there.

MR. STOCKS. How would you assess the impact of the presence of the members of your group and other members who were out there with you, riding the buses and in the schools?

REV. WEEKS. A very positive one, in terms that I believe if our presence was not evident, in many cases the situation might have been much worse.

It was our initial intent to establish that kind of presence, to establish confidence in those young people that were burdened with fear because of the events happening in and around the buses and within the schools. So the presence of the clergy was very positive in that sense.

MR. STOCKS. Thank you. Rabbi Gittelsohn, would you for the record state your name and address and identify your position?

RABBI GITTELSOHN. Roland Gittelsohn. I live at 118 Perkins Street in the city of Boston. I'm the senior rabbi of Temple Israel, the largest Jewish congregation in New England, and past president of the board of rabbis and the Central Conference of American Rabbis.

MR. STOCKS. Bishop Burgess, would you state your name and address and identify yourself?

BISHOP BURGESS. My name is John Burgess. I live at 46 Berwick Road in Newton Center. I'm bishop of the Episcopal Diocese of Massachusetts.

MR. STOCKS. Cardinal Madeiros, would you state your name and identify yourself for the record.

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Cardinal Madeiros. I'm Humberto Souza Madeiros, Roman Catholic archbishop of Boston.. I live at 2101 Massachusetts—Commonwealth Avenue.

Mr. Stocks. Thank you. Would you identify, so we can get the identification of the other members sitting next to you?

Fr. Boles. I'm John Boles. I live at 34 Mount Auburn Street in Cambridge. I'm the director of education for the archdiocese.

Br. Varden. Brother Bartholomew Varden, 704 Brush Hill Road, Milton, superintendent of schools for the archdiocese of Boston.

Mr. Gartland. Well, my name is John J. Gartland—there's a "t" in that name. I'm an attorney with offices at 18 Tremont Street. I am general counsel for the Roman Catholic Archdiocese of Boston, and I live in the Hyde Park section of Boston.

Mr. Stocks. Thank you. Bishop Burgess, as a major Protestant leader, what action did you as bishop take to provide moral leadership to your church membership when school desegregation began in 1974?

Bishop Burgess. Well, first we would—we—the diocese is a member of the Massachusetts Council of Churches, and so we joined forces with the other churches who are members as a common witness in that area.

I would also say that we—during the trouble of a year ago we had staff people working in the monitoring program and we tried to cooperate in every way possible with other organizations. We did not have our own program as such, but we tried to supplement and support people who were in charge of it, of this Phase I project.

Mr. Stocks. Recently there was a publication called the "Proclamation on Religious Concern for Desegregation in Boston." Who issued that proclamation and why?

Bishop Burgess. It was issued by a group of Protestant church leaders and heads of denominations and pastors of large downtown churches and churches in the Roxbury section of Boston because we felt that perhaps the tactic that we used during the first phase was probably what we would call low key. All we did was to cooperate with community agencies that were already in the field.

We felt at this time, because of the seriousness of the situation, that we had to exert what we might call definite religious moral leadership. And it was an effort on the part of religious leaders to state their own position as we prepared for September of this year.

Mr. Stocks. Thank you.

Chairman Flemming. Do you have—Counsel, do you have a copy of the proclamation?

Mr. Stocks. A copy of that proclamation will be entered into the record.

Chairman Flemming. Okay, we'll—without objection, we'll enter that as exhibit no. 12 or 13.

Mr. Stocks. Thirteen.

Chairman Flemming. Thirteen, okay.

[The document referred to was marked exhibit no. 13 for identification and received as evidence.]

Mr. Stocks. Bishop Burgess, how would you assess the efforts to create a united ecumenical stand on the school desegregation issue in Boston?

Bishop Burgess. I think that it has been true for a long time that on critical social issues the churches of Boston understand their unity perhaps more than in any other area, and I think that when we are—that is when we are faced by a very critical situation, we understand that there's got to be common moral leadership. And so it has been fairly easy to get churches to get together at least their leadership, to understand their common problem and their common efforts to do something about it.

We may not always agree with strategies, but I think that we are certainly aware of our common goals.

Mr. Stocks. Thank you. Cardinal Madeiros, as leader of the Catholic Church in the archdiocese of Boston, what was the policy of the church, the Catholic Church on school desegregation in Boston?

Cardinal Madeiros. Our policy is that desegregation—or better still, integration is morally right and good, and that therefore we should make every effort to have it implemented in the city and in the Commonwealth.

To that end, of course, I spoke on this question in a pastoral letter, called "The Man's Cities and God's Poor," which you may have, and—

Mr. Stocks. Could I interrupt you just a moment?

Cardinal Madeiros. Yes.

Mr. Stocks. Could we move that microphone a little bit forward?

Chairman Flemming. A little closer.

Cardinal Madeiros. Yes.

Chairman Flemming. Just so long as it's—there you are.

That'll do it.

Cardinal Madeiros. This particular letter was issued in 1972, and I may quote a paragraph in it—from it. I said, "I support the Racial Imbalance.."—this is in connection with the Racial Imbalance Act of 1965—

"I support the Racial Imbalance Act today for the same reason that the late Cardinal Cushing supported the original legislation in 1965, because in attempting to guarantee quality integrated education it is morally right." And this is as far as the decision is concerned. I think this is what you were asking.

And later on, in last year, on April 4, I appeared before the committee to appeal to the committee that the repeal of the act not go through. I have also a document in my possession—and I give it for the record—asking that the Racial Imbalance Act be maintained for the common good of our Commonwealth and of the country.

Mr. Stocks. Thank you, Your Eminence.

Chairman Flemming. I think, if I may again—I think it would appropriate at this point to introduce both of the documents to which you have referred into the record and mark them.

Cardinal Madeiros. I have them with me or I can procure copies for you, Mr. Chairman.

Chairman Flemming. Fine, fine. We'll identify them as exhibit 14.

[The documents referred to were marked exhibit no. 14 for identification and were received in evidence.]

Mr. Stocks. Would you give us some testimony on the specific activity that the Catholic Church undertook to provide moral leadership to its members during the desegregation of Phase II in the Boston public school system.

Cardinal Madeiros. For Phase II, not for last—not last year.

Mr. Stocks. I'm sorry. Phase I.

Cardinal Madeiros. That's right. Phase I.

Do you mind if I look at some notes that I have?

Mr. Stocks. No. Go right ahead.

Cardinal Madeiros. My memory isn't that good.

In March of 1974, we had a seminar for the clergy of the city at one of our institutions to explain to them and offer to them theological perceptions on the moral correctness of integration. We asked for their opinions and we have them, and we distributed to them copies for the implementation provided to all the—to us, to all the priests of the city.

In March of—from March to September we had ecumenical meetings of the clergy in the local areas, and that—Mr. Weeks spoke about that. He's well aware of that.

Several meetings. We had meetings with local public school people, with police officials, and even ads in the local newspapers. That's from March to September.

Then on the 4th of April, as I said, I appeared at the Gardner Auditorium for the—my deposition.

On September 7, and Mr. Weeks referred to this, we had the ecumenical prayer breakfast at the Sheraton Boston, and on September the 8th we had prayers for peace and special liturgy in Catholic churches in the city for the peaceful integration of the schools.

On September 9, the day before school opened, I met with the local clergy in South Boston to encourage them, and they knew their duty, of course, and they performed it very well.

From September 10 on, the local clergy met several times. And as you've been told already, clergy were assigned to ride the buses, to be at the locations that were considered dangerous, in cooperation with a variety of people, sisters and the Protestant clergy of the area.

From October to November there were meetings with the black and white leadership in the Parker House here in town. I went to one of them. Father Paul Donovan, who is my urban vicar, was in charge of these activities, and I hope he was very—quite successful in doing his work.

From March until April of this year we had a tutoring program for children who were not able to go to school for a variety of reasons, and we had 36 teachers that volunteered at six different sites. From May to now, copies of Phase II have been provided to all the priests of the city, and they're now studying them.

We're doing the best we can to see that law of our land is implemented peacefully.

Mr. Stocks. Thank you. Were you a signer in the "Proclamation on Religious Concern for Desegregation in Boston?"

Cardinal Madeiros. No, that was—we had the Catholic Church—I was not asked to put input into that proclamation. It was the Protestant clergy. Nor was I asked to sign it. And Bishop Burgess gave me a copy 3 or 4 weeks before, and I read it and that was it, but I was not asked to sign it, nor was I asked to have input into it.

Mr. Stocks. Thank you. Rabbi Gittelsohn, what position has your congregation taken on school desegregation?

Rabbi Gittelsohn. My congregation has not taken a formal or official position. I have, however, consistently tried to lead them and to teach them in terms of the moral responsibility which we face as citizens of the area to help integration of the public schools. I've done this individually through numerous sermons through the years. I have done it collectively by working through the social action committee of our congregation, which in turn tries to influence the membership as such, and we have done it also on the school level, trying to have discussions on various levels in our religious school to familiarize the children as part of their Jewish religious education with the moral responsibility we bear as American citizens and as Jews to do everything within our power to bring about proper educational integration.

Mr. Stocks. Thank you. Have you participated in any ecumenical efforts supporting school desegregation?

Rabbi Gittelsohn. Primarily as a member of the committee which sponsored and directed the public rally last fall, which was held in part on the Common, and in part in the plaza at the city hall. I was a member of that committee and participated in the speaking program, together with some of my brother clergy who are on this panel now, and with others.

Mr. Stocks. Thank you.

Chairman Flemming. First of all, before I turn to my colleagues, who may have questions that they would like to address to you, may I, on behalf of all of us, express our appreciation for your being with us. As one who has been involved over the years in the interfaith movement, I am a great believer in the power for good that is inherent in the religious community. And I'm a great believer in the fact that by and large, in our nation, the religious community is willing to respond to what you have properly and appropriately identified as moral issues in the way in which you have responded here today.

And I recognize that you are simply summarizing a good many activities, participation in a good many meetings.

I think I'd like—I may have one or two questions myself, but I think I'd like to turn first to one of our colleagues on the Commission. Rabbi Saltzman, and see if he has questions that he'd like to address to you.

COMMISSIONER SALTZMAN. Thank you, Mr. Chairman.

Bishop Burgess, in staff interviews you suggested a degree of failure in the organization of ecumenical efforts, and pointed to specific shortcomings in the religious community. I recognize the sensitivity of being judgmental in the public situation, yet the seriousness of the situation compels me, and I hope you, to look at it with some critical judgment, and I would ask you how you evaluate the specific effort during Phase I of the religious community?

BISHOP BURGESS. I think that probably we ought not to have been quite so—I would not say passive, I would say that I think we probably ought to have been more open in our sense of unity, and in the program that we developed. It was such—in a sense, to me at least, such a soft-sell approach, that the community was not aware of our presence, and so therefore perhaps was not aware as it might have been of the moral implications of the problem.

I think being more open, more vigorous, would have emphasized the moral dimension. And I think this is what we're trying to correct as we approach Phase II.

COMMISSIONER SALTZMAN. In line with that, Bishop Burgess, there is some conflict in our staff investigation. While it is clear that there were priests, ministers, rabbis actively engaged in desegregation efforts, riding the buses as monitors, there was relative silence, or so it seemed, and what you called the low-key response from religious leaders.

Your comment would seem to verify this, and to resolve the conflict in terms of saying that basically insufficient leadership came from the religious community. Now in Phase II, would you suggest a more active, a more visible role which would include the organization of an ecumenical effort?

BISHOP BURGESS. Yes.

COMMISSIONER SALTZMAN. How would such a structure come into being?

BISHOP BURGESS. Through conversation. We have worked together in many areas. We're not strangers with each other.

COMMISSIONER SALTZMAN. But there is no formal effort—organization?

BISHOP BURGESS. That's right. No.

COMMISSIONER SALTZMAN. May I just point out that in Indiana there is such an organization, and it calls itself the Indiana Interreligious Commission on Human Equality, and it includes almost every major judicatory religious body in the State with a budget of over $150,000, whose purpose is specifically to organize the religious community in this direction. And I think some kind of formal structured organization with an adequate budget perhaps is appropriate to the situation now here in Boston.

Bishop Burgess. Yes.

Commissioner Saltzman. Furthermore—

Chairman Flemming. I'd like to just interrupt at this point to let the record show that Commissioner Saltzman is the chairman of that group in the State of Indiana, and that I know from my own contacts in Indiana that it has been a very effective instrument in helping to achieve the kind of objectives all of us want to achieve.

Commissioner Saltzman. Thank you, Mr. Chairman.

In Phase II, gentlemen, do you foresee additional problems over and beyond what occurred in Phase I? Do you see intensifying conflict rather than a decrease in conflict as a result of the extensive nature of Phase II?

Rabbi Gittelsohn. Since you addressed your question to "gentlemen," I hope I can assume that it was in part directed to me.

Commissioner Saltzman. Please.

Rabbi Gittelsohn. I'm very fearful that there will be increased tension and aggravation so long as the members of the Boston School Committee and many political leaders in the city of Boston continue to make the whole desegregation problem a football for their own political ambitions, which I think it has been in the past.

One of the serious aggravations in my judgment of the situation here, is that those who should have been most directly responsible for the integration of our schools have been throwing up obstacles in every way, and I think Judge Garrity's decision makes that extremely clear.

Commissioner Saltzman. I started, dear colleague and friend, Rabbi Gittelsohn, with the religious community in some self-criticism, because I didn't want you to seem to be self-righteous in this process, but I wonder whether you would like to comment further on the role of the business community in the city.

There was a suggestion by the previous witnesses from the business sector that their speaking to the issue of desegregation in moral terms was not pursued because it would have been inflammatory, and therefore they refrained from addressing moral ideals.

Rabbi Gittelsohn. Well, let me first of all agree with you that—and I'm sure all of my colleagues on the panel would agree—that we religious leaders were remiss in many ways. We did not do the job that we should have. So that I'm not speaking from a holier-than-thou perspective.

We watched some of the testimony of the business panel which preceded us as we were waiting on the 15th floor to be ushered up here, and I think it's a rather sad reflection, when business has to point to driver education courses in Hopkinton as their alleged major contribution to the desegregation of schools in the city of Boston.

I am not impressed with what the business community has done toward the desegregation of schools, and I honestly hope that this new partnership in Phase II will be a really operative, viable partnership.

Commissioner Saltzman. Would any of you like to add a comment to the—that statement made by Rabbi Gittelsohn?

Bishop Burgess. I would like to.

As I heard the testimony down with Rabbi Gittelsohn, I could only comment that I do not think that the black community is aware of the degree of participation alleged by the testimony that was offered here.

Commissioner Saltzman. Cardinal Madeiros, could you repeat your past statement on busing and your views thereon?

Cardinal Madeiros. The first one, Rabbi, was in 1972, in pastoral letter. And of course I have spoken about the racial issue at various times in so many churches in this archdiocese that it's too numerous to mention here, not even on paper, but I have done this many times in general, as part of our Christian belief that we are to live in peace and harmony with one another, and we are to accept this and do the best we can to develop in ourselves attitudes of brotherliness and respect one for another, and that this process beginning in the home should be continued in the schools and go on for the good of our country, for the good of our society.

Formal statements have been—certainly a few. I have copies of them here, Rabbi. The first formal, really formal one was the one on the 4th of April, 1974, before the education committee of the Commonwealth. And then I had a prepared talk, too, for the ecumenical prayer breakfast that I gave you, and I have a statement of October the 8th, 1974, condemning violence, and I referred to that, too.

Commissioner Saltzman. Could you just—the staff, I think, wants in the record your statements specifically on busing if you could read that into the record. Is there a specific statement you have made on busing?

Cardinal Madeiros. There is, and that is number 60.

Commissioner Saltzman. Would it be adequate, may I ask, would it be adequate for the Cardinal just to submit it, rather than to read it? Is that okay?

Cardinal Madeiros. Yes, I will do that. Yes.

Chairman Flemming. If you have it—if you would submit it we'll enter it in the record at this point as the next exhibit.

[The document referred to was marked exhibit no. 15 for identification and received in evidence.]

Commissioner Saltzman. Can I ask you, are the Catholic parochial schools desegregated?

Cardinal Madeiros. That one is—let me see now. We have three parochial schools in the city of Boston which are almost totally black. These are in Roxbury. Some are integrated in Roxbury. The cathedral, in fact, is integrated. Our policy is to have anyone accepted who applies, regardless, of course, of color or ethnic origin. Our system is not a system like that of the public schools system. There is a great deal of autonomy within the parish. There are parish schools, as you know. But there is, of course, the overall policy of the church that no one is excluded because of—

Commissioner Saltzman. But do you attempt to maintain some racial balance or proportional ratio in your schools?

Cardinal Madeiros. We have not as yet attempted that formally.

Commissioner Saltzman. Will there be such an effort?

Cardinal Madeiros. Well, we will try that, but as you see, Rabbi, we don't have—I do not have coercive powers. I cannot make edicts for people, and my power is a moral power. It calls for obedience, but there are no sanctions to it, so I can invite people to do what is right, and they will do it or not do it.

Commissioner Saltzman. One final question. Prior witnesses have suggested that a Federal presence is critical to Phase II and its peaceful implementation. Would you gentlemen care to comment on your evaluation of such a suggestion?

Rev. Weeks. I certainly would. If in fact the local constabulary has an inability to protect the lives of children going to and from their neighborhoods to other schools, then I would certainly submit to this Commission that a Federal presence is necessary. In fact that Phase II is to be implemented with at least some consciousness of the safety factor in the minds of the parents.

I have, over the summer in the past year, had many parents who are really suffering mentally over that anguish that happens every morning when that child goes out and is exposed to the violence that may or may not happen.

So I would submit that I feel that in every way we ought to try to lift the notion of safety in the—at least the comfortable position of having an established force there to see that that happens.

Rabbi Gittelsohn. I would like to associate myself with Mr. Weeks in his affirmative answer. The turmoil through which we have been living here in Boston for nearly a year now, after all, sprang from the Supreme Court decision of 1954, and more recently Federal Judge Garrity's decision in this area. And if the Federal Government is not prepared by force, if necessary, to support its own agencies, not only will we fail in the effort to desegregate the schools, but I think we will bring nothing but contempt in the eyes of Boston citizens on the whole structure of the Federal Government and Federal law.

I wish it were not necessary to bring the Federal Government in, but clearly the record indicates that it is.

Commissioner Saltzman. Thank you.

Chairman Flemming. Commissioner Ruiz?

Commissioner Ruiz. Cardinal Madeiros, I recall that until the Holy See proclaimed that Indians were indeed men, in the 15th century, that parish priests did not take an active part to affirmatively convert what were considered to be savages to the Catholic tenets, that all human beings as children of God are equal. Within that term of equality, and necessarily included therein, equal opportunity for quality education is implied.

Has any effort been made by you or any other Catholic cardinal to address the Holy See for some sort of observation directed to the question of nonviolence, and to, and to which you have made reference as morally right, and which implicitly is implied in this busing turmoil—do you believe that such an effort upon the part of our American cardinals might be productive, given the large Catholic population in this community of Irish, Italian, Puerto Ricans, and others?

CARDINAL MADEIROS. Mr. Ruiz, first of all, with all due respect to your position, I would like to take exception to the first part of your statement. The Holy See has not decreed that the Indians became human beings when the decree came into existence. It is firm Christian belief that proclaimed by Jesus Christ, and this goes back certainly to the Judaic roots of the Christian belief, that we're all brothers and sisters under the one fatherhood of God.

COMMISSIONER RUIZ. May I send you my authority for it from Rome?

CARDINAL MADEIROS. Well, you may, but that—

COMMISSIONER RUIZ. No. I have the authority for it, and I'm just asking if I may—send it.

CARDINAL MADEIROS. There was a decree by the Holy See saying that Indians were human beings and before that they were not?

COMMISSIONER RUIZ. No. That's what the—do you wish my authority for the statement that I made earlier?

CARDINAL MADEIROS. Yes, please.

COMMISSIONER RUIZ. I'll be very happy to mail it to you.

CARDINAL MADEIROS. Thank you.

COMMISSIONER RUIZ. And make it part of the record as well.

CARDINAL MADEIROS. Thank you. Well, I certainly do not—certainly the Christian faith, the kind of faith as I have received it, has never, so far as I know, professed in its official documents that people were not—that human beings were not—that's my belief, anyway.

As for the other statement, Mr. Commissioner, the Pope's encyclical letters are numerous, the documents of Vatican II are ample proof that the Catholic Church is against violence in order to procure human rights. We are to everything in a—as much as we can in a peaceful way.

I know these—the doctrine and these documents; it's not a question of the Holy Father saying anything. He doesn't have to say anything that we already know as our patrimonies of our faith. All Catholics should know this. It's not an invention of ours. And I do not see any purpose, really, having any number of cardinals or archbishops or bishops petitioning the Holy Father for a new statement. We have ample evidence of the position of the church in this matter.

CHAIRMAN FLEMMING. Commissioner Rankin?

Commissioner Rankin. Rabbi Gittelsohn, you've been self-critical of your group, and you've also been, I might say, a little critical of the business community.

I'm a professor. I'm wondering if you'd turn to the educators, now, and sort of consider their position, and rate them, as you would rate the clergy, above or below, or the business world, above or below. What about the leadership from the educational world?

Rabbi Gittelsohn. Well, I would rather not rate 1, 2, 3, etc.

Commissioner Rankin. Okay.

Rabbi Gittelsohn. I think that the educators in the greater Boston area likewise in connection with Phase I were somewhat remiss. Certainly the educators who were co-opted by Judge Garrity in the working out of Phase II made a very considerable, very major contribution, and it is my impression, though I cannot document it, that the universities that have been called upon to work, now, towards the implementation of Phase II in cooperation with specific area, most notably the proposed magnet schools, are prepared, equipped, and able to do an effective job.

Commissioner Rankin. You also mentioned the South, and I—yesterday or the day before, in discussing what happened to us down South. See, I'm a southerner, and—

Rabbi Gittelsohn. Some of my best friends are.

[Laughter.]

Commissioner Rankin. They should be, of course. But I remember back in our days, people came from Boston to come down to tell us what to do and how to do it. I mean, I could even name names, don't you see, in that. Now, here I am back up here. The only difference is, this is about 14 years later, don't you see, and I think you should act more rapidly than that; don't you think so?

Rabbi Gittelsohn. I certainly do. I support those of us who went south 14 years ago, and I support those of you who are now coming north, because I think that we have learned—I hope we have learned that it's much easier to preach than to listen. And we need very much in this area to listen to some of the things we said 14 years ago. I think by and large the South has done a considerably better job of public school integration in the last 14 years than we have done here, and I will not argue that point for one minute.

Commissioner Rankin. We still have some problems, but we're working on them, don't you see.

Some of our problems—and we have two: There has been a flight to parochial schools in some instances, and then a flight to the suburbs by the students. Have you noticed that up here—

Rabbi Gittelsohn. Yes.

Commissioner Rankin. Those two tendencies?

Rabbi Gittelsohn. Well, I can't speak about a flight to the parochial schools; I don't know. But there certainly has been a flight to the suburbs, and there's a threatened flight to some of the exclusive private schools.

Commissioner Rankin. Cardinal Madeiros, has there been any flight to the parochial schools?

Cardinal Madeiros. I would ask Father Boles to speak to that. He may have some—

Fr. Boles. The overall enrollment in Catholic schools in the city of Boston in 1974–75 as compared with '73–74 declined slightly. There is a policy which has been developed by the archdiocesan board of education and approved by His Eminence, which is an effort to keep the problem of the possible—the problem of possible flight from becoming a major difficulty. These policies have been distributed to all of our schools. Statements have been received in return from the principal and the pastor of each school, indicating their acceptance of the principles outlined in the policy statements.

Commissioner Rankin. Thank you.

Chairman Flemming. Commissioner Freeman?

Commissioner Rankin. Well, just a—I have—can I ask—

Chairman Flemming. Certainly.

Commissioner Rankin. Do you think the opposition toward integration comes from church people or nonchurch people? Any of you—in Boston.

Rabbi Gittelsohn. What do you mean by "church people"?

Commissioner Rankin. I mean people who attend church regularly and—you'd say, "Yes, we're churchmen. We go to church. We're interested in religion." Are they the ones, or is it non—the people who never attend, or who are not interested in religion?

Rabbi Gittelsohn. My immediate response would be that it comes from both, and no religion, no denomination or faith has a monopoly on people who accept highly idealistic principles but object to applying them to their daily lives.

Commissioner Rankin. It's the difficulty of applying religious principles. Is that right? We can apply them to somebody else, but not to ourselves. Is that—

Rabbi Gittelsohn. That's correct.

Rev. Weeks. I'd like to say, Commissioner Rankin, the devil comes to my church every Sunday. He wants to hear what's going on, too.

[Laughter.]

Commissioner Rankin. This last statement—do you ever mention to people the moral bankruptcy and the legal difficulties are going to continue if you continue this program of opposing integration this way?

What might happen?

Rabbi Gittelsohn. I do, yes.

Commissioner Rankin. You do. That's it.

Chairman Flemming. Commissioner Freeman?

Commissioner Freeman. My question relates to the enrollment in the private schools. I believe the statement was that there had been—as you know, our concern is that the private schools are not being used as an escape. Well, the question is, what is the enrollment, what are the figures with respect to the suburban area as well as the city, and is there a comparison that could be made or some conclusions that can be made from that?

I believe we're talking—that the two last gentlemen have not been sworn, or have they?

Chairman Flemming. Yes, that's correct.

[Whereupon, Brother Bartholomew Varden and Father John Boles were sworn by Chairman Flemming.]

TESTIMONY OF BROTHER BARTHOLOMEW VARDEN, SUPERINTENDENT OF SCHOOLS, ARCHDIOCESE OF BOSTON; AND FATHER JOHN BOLES, DIRECTOR OF EDUCATION, ARCHDIOCESE OF BOSTON

Chairman Flemming. Thank you. Keeps the record straight, swearing in of witnesses.

Fr. Boles. Brother Bartholomew has the statistics with him on the enrollment patterns in suburban Catholic schools as well as the enrollment patterns in Catholic schools year by year.

Commissioner Freeman. I'd like the information, and also we would like it if you would leave it for the record if it can be received.

Br. Varden. The information has been submitted to the Commission on Civil Rights by mail some days ago, if that's satisfactory. I'd be happy to make copies again for this—

Commissioner Freeman. Well, if you'd give us the answers now.

Br. Varden. There's been a decline in enrollment both within and without the city of Boston since the high point of 1965 in the enrollment in Catholic schools, so that we have had a rather steady decline. It varies from time to time.

For example, in 1973, when, in the spring of '73 two of our largest religious congregations of teachers made studies of their potential for the next 3 years and decided that they had to withdraw from over 30 schools, we had some 22 schools close at that time, 4 of them in the city of Boston.

So there's a little sharper decline shown in our figures for the year 1973–1974, percentagewise, when we lost about 2,000 students as against the 911 that we lost during this present 1974–75 school year. But during the past summer, no schools of ours closed in the city of Boston. So that, while the percentage of decline goes from—you know, 3.3 percent decline in the 1966—1965–1966 school year to a 3.5 percent decline in the 1974–75 percent school year, in between there are ups and downs to as far as 8.5 percent decline on the elementary level.

Our declines on the outside of the city of Boston have been a little bit more noted, because we have had more schools closed in the suburban and outside of Boston area than within Boston. A number of our schools in the city of Boston are maintained strictly because while the local level is not sufficient to maintain them, the archdiocese has given them some support. In the suburban areas they make it on their own.

Commissioner Freeman. Brother Varden, may we confine the question to—your answer to the high schools? What was the enrollment in the high schools during the 1970—in the high schools in the city of Boston, 1973–74 school year?

Br. Varden. 9,014.

Commissioner Freeman. What was the enrollment in the high schools in the city of Boston in the school year 1974–75?

Br. Varden. 8,868.

Commissioner Freeman. What was the enrollment in the suburban high schools in the 1973–74?

Br. Varden. 16,820.

Commissioner Freeman. And during the suburban school year in the high schools, 1974–75?

Br. Varden. 17,055.

Commissioner Freeman. So there was an increase in the high schools, in the Catholic high schools, in 1974–75 over the preceding year.

Br. Varden. In the—outside of the city of Boston. But we have a number of schools that were established in the latter part of the 1960s, '65–66; some of them have been struggling to grow, and I don't think that—well, there's—

Commissioner Freeman. The actual number of entries was about—

Br. Varden. About 200.

Commissioner Freeman. Between 16,000 and—

Commissioner Horn. 846 versus 235.

Br. Varden. 16,800 to 17,055.

Commissioner Freeman. 846.

Br. Varden. Approximately 200—

Commissioner Freeman. An increase of 235.

Commissioner Horn. A decrease of 846 in the city.

Commissioner Freeman. Does your school—does the school maintain figures on the number of pupils that are Catholic and the number that are non-Catholic?

Br. Varden. We make some studies of that, yes.

Commissioner Freeman. Do you have that information?

Br. Varden. I don't have that with me right now, but I can tell you that in the overall picture we are about 5 percent non-Catholic. In the black picture we're about 48 percent non-Catholic. Of the black students in our schools.

Commissioner Freeman. When you say 5 percent, you mean 5 percent of the whites?

Br. Varden. Overall—in the overall, that's right, yes.

Commissioner Freeman. And how many—do you have it by race in the city and in the county as to numbers?

Br. Varden. Well, yes, I have—you know, various breakdowns.

Commissioner Freeman. In the high schools.

Br. Varden. We've only maintained a racial or ethnic enrollment statistic since 1970. I haven't been in the office that long, but I gather that it may have something to do with the way U.S. census is running. So we have gone from—in the city of Boston on the elementary level—from 1,113 black students in 1970 to 1,268 in 1974. It's been a rather steady amount, and I would say that in the Orientals it's been about the same. There are not so many of those in Boston. So we had 50 in 1970; we have 60 in 1974. Of those with Hispanic origin or Spanish surname, we've gone from 518 in 1970 to 746 in 1974.

Commissioner Freeman. Is that in the city?

Br. Varden. That's in the elementary schools of the city.

Commissioner Freeman. What about the city—the high schools?

Br. Varden. In the high schools from 1970 we've gone from 247 blacks to 394 in 1974–75 school year.

Commissioner Freeman. And in the suburban area how many blacks were there in 1973 in the high schools?

Br. Varden. In '73 there were 181.

Commissioner Freeman. And in '74.

Br. Varden. 157.

Commissioner Freeman. There were fewer black pupils in the high schools in the suburban community in '74–75 than there were in '73.

Br. Varden. Yes, but there's a little history on our black population in those schools. Some years back there was a program inaugurated to get some of the urban black students into suburban schools. That was initially financed by grants from the private segment of the community and not from Federal money.

Commissioner Freeman. Is that the METCO program?

Br. Varden. Well, it was similar to METCO, and was the origins of METCO, yes. It was called BRIDGE at that time. And we had a considerable increase in black enrollment from the city to our suburban schools because there was some way of financing it.

When that grant ran out and the finances ran out and it became strictly government money, then of course we were no longer able to participate and so our numbers—well, some of them stayed in to finish school. If you'll look at our figures that have been submitted to you, the decline in ethnic enrollment outside the city of Boston of blacks from '70 to '74 is a measure of the fact that that program ran out of financing.

Commissioner Freeman. Does the school provide scholarships for the pupils any of the pupils in the high school?

Br. Varden. Most of our schools are very limited financially, so that they are unable to do any great amount of that, and—

Commissioner Freeman. Do you do any of that at all?

Br. Varden. Tuition-free scholarships, there is some—

Commissioner Freeman. How many are there?

Br. Varden. Well, within the city of Boston in the past few years we have had a program where $400,000 was set aside for students in great need. A good bit of that money has gone to students who are in the city of Boston, many of the black students in our Cardinal Cushing High School and our Cathedral High School.

That, however, was money that the archdiocese put up and was distributed through a financial aid program. Unfortunately, the financial position of the archdiocese is such that we've had to reduce that program, although it is still going on.

Now, individual parishes have given some help to this. We have still some black students in suburban schools who are there with an assist from that particular parish or group that are running the school.

COMMISSIONER FREEMAN. Is the athletic program financed—is a student who's a good basketball player more apt to get a scholarship than somebody else—

BR. VARDEN. I really don't know that answer to that, Mrs. Freeman.

COMMISSIONER FREEMAN. Thank you.

CHAIRMAN FLEMMING. Commissioner Horn?

COMMISSIONER HORN. I have been very impressed in the 1960s about the influence that the church groups had nationally in passing the Civil Rights Act of 1964 and the Voting Rights Act of 1965. I've also said that very frankly we would not have been able to get the two-thirds vote we needed in the Senate to shut off debate and then to pass the act without the help of various church groups.

I remember in particular Jim Hamilton, who represented the National Council of Churches, and I think the key votes we needed resulted from the efforts of individuals such as yourself and your churches, temples, and parishes around the country.

But when we come to the local level, I'm curious as to how much influence you gentlemen feel the churches really have in this day and age on your constituencies that have affiliations with you, or on the political leaders in a community. And in answering that, I'd like you to describe what processes can religious groups use to reach your own people as well as a broader community, other than the preachments that might come, and they are certainly important in the continuing dialogue, on Saturday or Sunday.

I can recall going to many an adult group during the '64–65 Civil Rights Acts discussion, and others did the same. But what else can be done to really get the moral message over that you gentlemen personify, and that some of the questioning from the panel here indicates is extremely important?

BISHOP BURGESS. I'd like to speak a bit to this.

I can speak specifically of the black community. I would say that—and to a large extent I think this is true in the white community, that thought the way in which churches are exerting their moral influence might have changed from the sixties to the seventies, it is still perhaps the one major force that is in a constructive way trying to uphold even what the Federal Government has proposed.

I would say that by the churches, certainly in the black community, the church is still the great agency without which other agencies could not work effectively.

In the Boston community I am sure that the leaders of the NAACP or of Freedom House, or of other agencies of this kind—I'm sure that they'd be the first to admit that without the backing and the support of the churches, they would have little to do.

And I think that even in the white community, it is the religious element that is still saying, "This is right and we must support it." We are holding up the law of the land; we are emphasizing the quality of good citizenship; we are trying to help these other agencies to come to grips with the reality that we've got to do something between now and February.

One of the great things that we have to fight is this sense of frustration on the part of good people in this city, who've been given strange promises, that somehow, in some way—for example, a constitutional amendment's going to be passed between now and February to throw out Judge Garrity's decision. And they've been given these strange promises and they are not kept, of course, and so they are frustrated. And the churches are the ones who keep emphasizing we must face the reality of our present situation, that something's got to be done now, and done very quickly.

And so I would say that I do not agree with you that just because maybe our strategy has changed, that we're not as effective as we were. I think on the local level we are the one force that can be depended upon to help us understand the present realities and are trying to muster people to deal with them, I think, in a realistic and even pragmatic way.

Commissioner Horn. Well, Bishop Burgess, let's pursue that a minute, now. You have about 125,000 members, as I recall, in your various dioceses. Has that membership increased in the last two decades, or has it decreased?

Bishop Burgess. I think it has decreased.

Commissioner Horn. And I expect that's true of many other churches both in this room and across the country.

Bishop Burgess. Yes.

Commissioner Horn. And even if it's decreased, there's probably been an even greater decrease on those that turn up for so-called formal services. And we all know that sometimes people feel that those that show up on Sunday, that maybe they don't need it as much as those that don't show up, and maybe only show up on Chanukah, Christmas, Easter, whatever.

So the question comes as to besides the moral statements, which, I will agree are extremely important and set a tone and give guidance to a broader community that simply your membership, the question comes up, what are the churches doing or can do, just as we ask what business is doing or can do in terms of human relations programs, in terms of not simply preaching at people, but involving people in discussion groups.

I think of my own campus ministry. I head the largest public university in California, and yet we have a very active interfaith ministry that has conducted 30 or 40 courses such as explorations in communication, that frankly have saved many a life, not in the religious sense, but in the sense of students that might have committed suicide, might have been lost on a campus of 31,000—32,000.

Now, it's that kind of personal, individual, and collective involvement that I'm wondering what is going on, and what can be done as we address this problem.

BISHOP BURGESS. Well, I can only say that in my association with the Massachusetts Council of Churches, I would say that a good number of churches, parish churches, do have such organizations. They are involved in study groups, in activist groups. They do not oftentimes represent the total congregation—of course not. But they do represent a concerned group of people. And through our ecumenical efforts, these small parish groups have a sense of their own strength because they are united with others. And I would say that I frankly do not know of any other institution in our society that is carrying on this kind of educational endeavor.

COMMISSIONER HORN. Let me ask you, Cardinal Madeiros, do you have any feelings on this matter?

CARDINAL MADEIROS. I agree totally with Bishop Burgess in what he just said. But there is a problem which we in the Catholic Church call now evangelization. As a matter of fact, there was a synod of bishops in Rome last year to study the problem of evangelization, or reevangelization of people, addressing the gospel message to the man of today. The whole effort of Vatican Council II was to do just that, to interpret the gospel in terms of today.

Now, we have to admit, and I do admit it, this is a slow process. The gospel is not something you impose on people. You preach it and you live it as best you can. And I do like what you said about the personal relationship to people. The greatest force we have is really the parish structure, where people come together, worship together, live together, feel together, and work together. There are many societies in parishes working for the common good of the parish and of the archdiocese and the society, therefore.

We have, of course, the difficulty, and this is the problem of the gospel, of trying to—I'm not going to preach to you, I don't want to preach to you this morning, but you asked the question, Commissioner. The question is the question of trying to preach what they call a supernatural doctrine, something that comes from God to us by way of revelation to people in the world who do not want to listen, or maybe are adverse to listening to it. And they have to be disposed before they can accept it. We cannot be coerced into accepting the gospel of Jesus Christ, no any more than can accept the ten commandments of Moses.

It's a question of faith, and faith is, in my belief, a free act, the greatest free act a man can perform. I cannot impose it on anyone, but I can try with the way I live, the way I talk, the way I deal with people, to dispose them to accept it. It will have to come from God eventually. I cannot make people good if they do not want to be good. But I can preach and hope and pray that they will listen and will gradually come to see that the gospel is the only hope of the world.

Thank you for occasion to preach the gospel in this room.

[Laughter.]

Commissioner Horn. Are there any additional comments members of the panel might wish to make in response to that question?

Rev. Weeks. Early in the—before desegregation happened in September, there was a problem in one of the high schools, and what we did at that time, both ministers and priests, was to lift the notion of taking the ministry from the confines of the church building into the street. And we at that time actively performed what we would call a street ministry, because everybody does not come and does not attend church or does not belong. However—and that's still going on. I think that's one of the concrete ways of getting to the total society rather than just limiting it to churchgoers.

And I certainly join with Bishop Burgess and His Eminence Cardinal Madeiros in the fact that it is difficult, sometimes, for people who come from the secular end of our society, to make judgments which are positive out of a prophetic kind of consciousness.

I come from an area where—not as the fellow from Missouri, who says seeing is believing, because the message that I preach is just the opposite of that. Believing is seeing. Which is an act of faith in trying to get over some positive things in the hearts and minds of our people.

We realize that legislation, laws, court orders will not change the makeup of a person's heart, but we firmly believe that the love of will change it.

Commissioner Horn. Let me just—

Rabbi Gittelsohn. Can I just—

Commissioner Horn. Oh, yes.

Rabbi Gittelsohn. —comment briefly on that?

While I'm in very substantial agreement, I would have to disagree a little bit with Mr. Weeks and His Eminence in terms of everything being reduced to a free act of faith, and we just stand patiently by and wait for people to catch the faith. Moses had great faith, but there is a lot of legislation in the Hebrew scripture. And there's a lot of legislation in Christian faith also. There is canon law, for example. Faith without law becomes very often a matter of pious platitudes. And I think we've got to recognize, therefore, that sometimes there is an element of force which is necessary, and recognize also that how people behave ultimately affects what they believe. Action does affect attitudes, and therefore we need law as well as faith, and we need government and civic law also in support of that which is morally correct.

I think that we have a much better index to the potential power of religious leadership on the question of Vietnam, for example, where we did a better job, than on the question of school desegregation, at least here in the Northeast, where we have not done a good job.

Commissioner Horn. Rabbi Gittelsohn, I certainly can agree with you, based on our experience in public accommodations and voting rights. Now, let me ask you one short last question. You have a very unique experience, in the sense that you were a member of President Truman's Committee on Civil Rights, as I recall.

Rabbi Gittelsohn. Correct.

Commissioner Horn. And here we are a generation later. Could you briefly summarize where you think we are in this century on civil rights, and how much progress you feel has been made, based on that 1947–48 experience?

Chairman Flemming. I would urge that the word "briefly" be underlined here. I'm getting a little bit anxious about the rest of our agenda. I might say that for 3 years I presided over the general board for the National Council of Churches as president of the national council, and I always had a lot of trouble keeping everybody on schedule. That kind of brings me back to those days. These contributions are very, very helpful, and Rabbi, please respond.

Rabbi Gittelsohn. My response will be very brief, Mr. Chairman. I think we made a tremendous amount of progress since 1947–48 when the Truman Committee initiated, really, the struggle that is still going on. But the progress has been extremely spotty. And as a citizen of Boston who is very proud to be a Bostonian and a New Englander, one of the few things of which I am abysmally ashamed is our record on school desegregation. And that's the area where we need a lot more work and a lot more support from the Federal Government, as well as religious leaders.

Brief enough, I hope.

Chairman Flemming. Very fine. Thank you very, very much. May I just tie together comments made by Rabbi Saltzman and Commissioner Horn. I recognize the validity of the statement made by Commissioner Horn, that in terms of the Federal Government, as it relates to Vietnam, or as it relates to civil rights, and so on, that the interfaith movement has made tremendous contributions in getting action on the part of the Congress. And I think that at this particular point, the question is, can we develop an interfaith movement at the local level that will help to get action on the part of the city council, the school committee, or conceivably a State legislature.

My own feeling is that as a religious community, we've done a pretty good job of working together, and we all have worked together at the Washington level on one issue after another in order to get results out of the Congress. And now that we're at the stage of implementation, I hope that movements like the one in Indiana will pick up the momentum, because I think that if they do it's going to help tremendously to achieve the objectives we want to achieve.

Again, thank you so much.

Yes?

COMMISSIONER RUIZ. May I comment so that I can get the record complete?

I contacted my office in Los Angeles, and it appears, Cardinal Madeiros, that we're both right.

[Laughter.]

COMMISSIONER RUIZ. Based upon your statement that our—first I will identify myself as a Catholic—that our Jesus Christ held that all human beings were brothers and sisters. In implementation of that fundamental tenet, in 1537 Pope Paul III issued a pronouncement that Indians were truly men, and capable of understanding the Catholic faith.

It was this pronouncement to parish priests and parishioners that was the catalyst for the tremendous missionary efforts of the church in the Western Hemisphere and the creation, even by lawmen, of pious funds and moneys to do the work of the Lord.

Which brings me back to the questions that were unanswered as a result of this exception.

CHAIRMAN FLEMMING. Well, can—do you want to address—we've really run out of time. If—my suggestion would be that those questions might be addressed in writing and then made a part of the record.

COMMISSIONER RUIZ. I have them here and I'll give them to the Cardinal.

CHAIRMAN FLEMMING. Thank you very, very much. Thank you all. It's been a fine experience for all of us, and we appreciate it.

CHAIRMAN FLEMMING. Counsel will call the next witnesses.

MR. STOCKS. I call Paul Warren, Frank Marsh, Raymond Martin, Kenneth Haskins, and James Case.

[Whereupon, Paul B. Warren, Frank Marsh, Ray Martin, Kenneth Haskins, and James Case were sworn by Chairman Flemming.]

TESTIMONY OF PAUL B. WARREN, ASSOCIATE DEAN, SCHOOL OF EDUCATION, BOSTON UNIVERSITY; FRANK MARSH, DEAN, SCHOOL OF EDUCATION, NORTHEASTERN UNIVERSITY; RAY MARTIN, ASSOCIATE DEAN, SCHOOL OF EDUCATION, BOSTON COLLEGE; KENNETH HASKINS, HARVARD SCHOOL OF EDUCATION, FORMER ASSISTANT SUPERINTENDENT OF SCHOOLS, WASHINGTON, D.C.; AND JAMES CASE, EXECUTIVE DIRECTOR, INSTITUTE OF LEARNING AND TEACHING, UNIVERSITY OF MASSACHUSETTS, BOSTON, MASSACHUSETTS

COMMISSIONER HORN. Counsel, proceed.

MR. STOCKS. Would each of you gentlemen state your name, address, and occupation for the record? We'll start with Mr. Warren.

MR. WARREN. Paul Warren, associate dean for research in educational development, Boston University; 81 Washington Street, Marblehead, as they say it, Massachusetts.

MR. MARSH. Frank Marsh, dean of education, Northeastern University; 347 South Street, Medfield, Massachusetts.

Mr. Martin. Raymond J. Martin, associate dean, School of Education, Boston College; 8 Kerrydale Road, Needham.

Mr. Haskins. Kenneth Haskins, lecturer in education, Harvard Graduate School of Education; 31 Crescent Street, Cambridge.

Mr. Case. James Case, director of the Institute for Learning and Teaching at the University of Massachusetts in Boston. I live at 34 Cambridge Terrace in Cambridge.

Mr. Stocks. Thank you.

I'm going to ask each of you to respond to the questions in the same order, so that we might facilitate getting your testimony in the record. Prior to the announcement of the Phase II plan, what effort had your schools of education made to work with individual schools in the Boston school system on particular programs?

Mr. Warren. Do you wish to start at the same—

Mr. Stocks. Yes.

Mr. Warren. Do you mind if I contemplated that might be a question, and I'll be working from a list here; if you wish to incorporate it you may, in the testimony.

The series of—I don't want to run down the line—the civil activities working in which there has been external funding which has enabled the school to work in various communities in Boston, including a Right to Read program in the Bancroft School in Boston; a Teacher Corps bilingual program, which was worked in several elementary schools and middle schools within the city of Boston; a university-funded program working primarily in the current District 1 area, in a collaborative program with the public school system of Brookline, using the athletic facilities at the university. Several programs working with the adult—through the adult basic education department, both in area of assessment and some training.

There have been, then, several workshops working with Boston teachers, as well as many inservice efforts, particularly in the area of reading and communication skills, in several schools throughout the city of Boston.

On top of that we have increasingly over the past 3 years had larger numbers of students assigned working with faculty in schools throughout the Boston area proper as opposed to the western ring of suburbs.

I'm sure I've overlooked some, but that may give you an idea.

Mr. Stocks. Thank you. Dean Marsh?

Mr. Marsh. Northeastern has had a long history of working with the schools of Boston. We have had a number of programs, such as a 5-year program funded by the Ford Foundation in which we trained reading tutors and carried on tutoring in a number of the elementary and junior high schools of the city of Boston. We had a dropout school which we operated with Federal funding to take students who had failed in the Boston system, and provided in this school an innovative three-track program to help these young people earn their high school diploma.

We had a lighted schoolhouse program through Boston Teachers College, which is the physical education part of Northeastern. This program brought a number of Boston school children to the university. A number of university people, too, particularly the Mackey School, where recreation and physical activities took place.

We have had in recent years a program in the Hennigan School in Jamaica Plain, where a number of our students have gone to this school and had classes conducted there. In the process of having their classes there they carried on evaluation of students; they conducted counseling and a variety of other experiences that at one time provided learning for our students and helped these young people in the Boston system.

We have made use of our reading clinic on the Huntington Avenue campus, freely. A number of students have come to the clinic for evaluation and therapy, particularly during the difficulties of 2 years ago. We provided a special effort for two groups of 25 youngsters from Boston English High School.

I'm sure I've overlooked some, but these are typical of the activities which we have had with the Boston schools.

Mr. Stocks. Dean Martin.

Mr. Martin. Boston College School of Education is quite young. It started in 1952. Since that time we have been working with the Boston school system by placing student teachers in the preservice end of our program. Over the years we've been involved in the Teacher Corps project; we've been involved in the Prospective Teacher project.

For a number of years we placed our students in many schools throughout the Boston system. In recent years, especially the last two, we've tried to centralize so that we could bring our supervisory forces to bear in a quality manner, and we've been working very closely with Trotter and with Lee. We did work with the J.J. Williams. At the secondary level we've been working with Dorchester and other high schools. That's the extent at the present time.

Mr. Stocks. Mr. Haskins.

Mr. Haskins. I'll just talk briefly about some things in recent years. Harvard, of course, is a graduate school. They do not have an undergraduate school in education. They have in the past few years helped to do a study of the whole Boston school system. They have a program now of placing some interns with various administrators in the Boston school system.

There's a program that we have with the Boston school system which sort of sets aside a certain number of places in the schools for people in the Boston school system who are interested in studying administration. There are small workshops from time to time for administrators in the Boston schools.

Several years ago the school was involved with the King and the Timilty Schools when they had parent boards and so forth, trying to help them with that.

When the MAT program was there, there was a program in several of the schools, among them Copley High School. The design school, for instance, now has a program that works with high school students from various Boston high schools and some from the nearby suburbs.

Then there's in individual departments like the reading department, from time to time, worked in particular schools, and then individual students, either those coming from Boston coming into the school and then doing their projects and working in schools or some of the students such as Spanish-speaking students becoming involved with either the schools or the communities around bilingual programs.

Those are some of the examples of this kind of thing.

Mr. Stocks. Mr. Case?

Mr. Case. The Institute for Learning and Teaching at U. Mass. is not a school of education, the area being adequately served by schools of education already. There are—in the last 5 years the Institute for Learning and Teaching has worked directly with some 20 schools in the city of Boston on elementary, middle, and secondary levels. Several programs dealing with multicultural education with the Boston bilingual department.

Programs with middle schools, programs with the new open space elementary schools, and in the last couple of years, some programs with high schools.

Mr. Stocks. Thank you. Could each of you gentlemen describe what you consider to be the special needs of the Boston school system which your institutions of higher education have a particular ability to help meet.

Mr. Warren. Why don't I comment with the drawing out of the discussions with the past experience, given the current situation and the stresses and strains which we face in the coming year? I think they can probably be broken down into three areas, and then I'll specifically get into what Boston University thinks it has some expertise.

One is in the area of reading and communications skill development, which the university can build on some of its past clinics and work of the faculty out in the schools themselves.

The second area, which will perhaps be the most challenging, which I would be naive to assume that it will be an immediate success, would be the whole area that relates to cross-cultural relations. Within that I am covering the whole range of learning that would go from meeting the particular needs that arise out of results of different groups of students who have not interacted before acting together, teachers confronting a situation which either by serendipity or by design they have not had to encounter in the past and not knowing how to handle the situation; would include addressing the lack of learning materials that would be particularly directed toward meeting the various social studies, reading, and communication, as I mentioned, and some of the mathematical computation skills that address the question of the particular needs of the different groups that are involved.

The third area would be in the area of what they would call math and science skills and development, where the schools have indicated a need for assistance, in somehow addressing the needs of today, so that science could become meaningful for the students in the schools, rather than abstractions drawn out of texts.

Within the interpersonal, the one area, the whole area which—of counseling skills and assisting individuals, teachers in particular, in being able to work in meeting the individual needs of kids.

And the final, which has been apparent and is reflected in earlier legislation, would be that that relates to both assessment, diagnostic as well as prescriptions. We've had plenty of assessment and diagnosis before. Again, to meet what varying frames of reference may be called the child with special learning needs.

One particular area which I think we will be able to address, drawing on the total university, will draw on a Headstart, on a lesson learned from Headstart, and that would be in the area of preventive health and health-related matters, to work with individuals in the community to build closer bridges between the schools and the community and simultaneously meet some of the health needs of the population throughout the city of Boston.

Mr. Stocks. Dean Marsh?

Mr. Marsh. Northeastern has many similar capacities that have already been described. We have a very strong reading program and a reading clinic, which is capable of carrying on diagnostic work and remediation in the area of reading and communication. We have a very fine counseling program through the doctoral level, and I believe that we have skills on our staff and in our graduate—among our graduate students—that will be useful to the schools of Boston, where I think this is a very important need.

We have a very fine program in recreation education and in physical education. These are areas where I think we can also contribute to the school system.

I believe that we have abilities in the areas of learning resources. We have a very fine office of educational resources with television potential, with learning laboratories, which I think could very well be used by the universities in assisting during Phase II.

These are but a few of the areas that I think we represent in the city.

Mr. Stocks. Dean Martin?

Mr. Martin. We have drawn up a planning proposal with District 3, and they have made some of their needs known. We feel that at Boston College, that we have facilities in the area of social work; we have facilities in the area of nursing, in the area of the arts and sciences. We have a very strong counseling program, doctoral program, special education program. We have a law school.

All these facilities will be committed if we can arrange the proper resources.

Mr. Stocks. Mr. Haskins.

Mr. Haskins. My—our approach is similar to what was just stated. We're trying to look beyond the school of education to the total resources of the university.

The needs as expressed by the schools to date are the minimal kinds of things that people speak of, help with reading, math, and some help with career education. However, we hope as we move along and our—the views of both the university and the people in the schools perhaps become a bit broader—that the variety of resources that are in the university can be used.

I mentioned earlier the school of design. Harvard has, you know, the school of public health, the medical school, radio station. You know, you can name a lot of resources.

The question that will have to be addressed is a bit more complicated, at least from my point of view, though, and that is that there's a lot of corrective work that has to be done within the universities themselves if they are to really work with schools in a service capacity rather than as using the schools as laboratories or as places to do research and to train their own students, so that some of the work that we will have to do is not just within the schools in Boston, but within the universities in which we work, in order to change the focus to a different approach.

Chairman Flemming. If Counsel will permit, as soon as Mr. Case has answered the same question I would like to follow up along the line that has just been identified.

Mr. Stocks. Mr. Case?

Mr. Case. Yes. I'm not—I wouldn't repeat another catalog of resources which the university has also, but only add to what's been said so far, and in agreement with Mr. Haskins, that if the universities can do that themselves, that one of the services that they can perform, and that—and that I think to a certain extent we have in the past—is be an outside presence in what is like most school systems, a fairly closed system, and give teachers and administrators some sense that the world outside, the university world in this instance, pays attention to, cares about, and is concerned with the work that they're doing in the schools.

Chairman Flemming. I would like to address this question to all of the members of the panel.

I'm impressed with your identification of resources that could be used for the purpose of meeting needs. What are the chances of those resources really being linked up with these needs in a rather dramatic manner as Boston moves into Phase II? And I'd really like just a frank appraisal of the chances of doing it, and if they are rather dim, what stands in the way. Because it seems to me that this Phase II memorandum of opinion can certainly raise expectations.

Are those expectations going to be realized, not 3 or 4 years from now, but are they going to be realized in the coming academic year in a very significant manner?

Mr. Martin. Are you talking in terms of a consortium or individual responsibilities to a given district?

Chairman Flemming. Well, I'm perfectly willing to have you approach it either way. I recognize—what is it?—there are 20 institutions that have been identified in the order. You can approach it in that way, or from the standpoint, you've identified your resources in your respective institutions that you feel, and I agree with you, could help meet needs in the high schools.

And what I'm saying is, what are the chances? Is it a realistic thing that—to hope for a real matching of these resources with these needs during the coming academic year, school year?

Mr. Warren. I think if the expectations are modest, I think there is a danger to overly simplify and listing the catalog to make it appear as though nirvana is near. I don't think we're any closer to that than the prior group to which you spoke.

I think there's some critical problems. And the critical problems—Ken alluded to one of them—the ability of a university to mobilize its own resources, a—

Chairman Flemming. What is that ability? I mean, just think in terms of your own institution. I mean, I know the problems. Is it—institutionally is it going to be possible to mobilize those resources?

Mr. Warren. I think within—if you look at the institution as a single system within the university, it will be possible to mobilize. However, for change to be effectuated, that mobilization will have to be linked with the needs, desires, community representatives, will have to be done collaboratively with the teachers, who, in the final analysis, are responsible for the implementation.

And I must say, we'll have to have some assistance from the Boston School Department. Now, the odds on each of those differ rather significantly.

Chairman Flemming. But is Boston—but is the community known as Boston University enthusiastic about the fact that it is being given this opportunity?

Mr. Warren. As a matter of fact, the first time in several years that I've heard the faculty cabinet go on record in listing a priority was when they went on record as indicating that first priority would be to carry out the mandate of the court. I must admit, the first stab within the rather short time lines over the past several weeks, it's the first time I have ever called faculty and had every faculty turn out at a request. I thought I had some new power. I'm sure it wasn't that. I'm optimistic about the university.

Chairman Flemming. Okay.

Mr. Warren. The matching I am less optimistic, and it is a complex problem.

Mr. Marsh. There is a vast reservoir of enthusiasm and goodwill at Northeastern University, at least, for the aims and objectives of Phase II. But I would have to say realistically to my colleagues, and to you, ladies and gentlemen, that our institutions, after all, were responsible for preparing a vast number of the men and women teachers, administrators who now staff the Boston schools. And I think realistically, to expect miracles to occur from institutions that prepare professional people who are now not performing as at least we would hope they would, should give us a degree of caution as we approach this vast task.

I want to emphasize that there's a vast difference between this reservoir of goodwill and the willingness to come to understand the complexity of these problems, to grapple with them on a continuing basis, and to really bring about a basic improvement in the system that will help young people to live more effectively in this century.

Mr. Martin. You asked if something dramatic can take place in a year. I'm not so sure that it can.

Chairman Flemming. Okay. What I'm interested in knowing about—

Mr. Martin. There's a time of getting to know each other, trust each other. We've known each other over the years, but we've never been given this opportunity, I think, to come to grips with each other on a common issue. We've talked to each other, we've placed people in the school system, we've been guests in the school system. Now I think we're in a partnership situation, which is going to make it a little different.

Chairman Flemming. Do you sense any sense of urgency within your community to try to make, you know, move as far as possible—

Mr. Martin. Sure.

Chairman Flemming. —during the coming year?

Mr. Martin. Sure. But, you know, we're going to have to sit down. I don't like to railroad things, you know, and just move out ahead and say, "This needs to be done and we're going to get it done." We're going to have to sit down and really figure out what these needs are, and there are some things out there that we don't know yet.

September's going to be very interesting. Those needs may change completely around as to what we plan for this summer, and the kinds of resources and commitments that we look to in the university may be a little different then. I don't know.

Mr. Haskins. I think that we would be completely off if we didn't recognize that the problems of the Boston school system is reflected in other institutions, too. You know, you asked the business people questions about their own hiring and so forth. Every university that you can ask has had some problems themselves around affirmative action and around these kinds of things.

The only thing that this does to me is to offer another opportunity to try to take a crack at something that a lot of others have been taking a crack at our whole lives, without promising that this will work in a way that's any more magical than other ways have been.

I'm intrigued at the idea of the kinds of resources that the university has, once we begin to look at it this way, and can be very expansive about what they could do. When you begin to say what they will do, what will they do, and how fast it would be, then I have to draw back and say that I think that the only way that it can be done is probably in small steps. There might be a point reached when you can then maybe make a big push all at once, but when that would be, I don't know. I just know that the problems that you face, both within the university itself and then all these connections that have to be made, as was mentioned before, makes it a pretty awesome kind of task.

CHAIRMAN FLEMMING. Mr. Case?

MR. CASE. I was worried in your initial question, Mr. Flemming, about your reference to the expectations in the court plan, and the time frame of that. I think that both in the court plan and in the press subsequent, the idea that with the aid of the universities magnet schools can be created over the summer or in the first year, that will be sufficiently successful to attract a large number of students, I think that's unrealistic.

I tend, and the university tends, and I think most of the universities tend to look on this as a much longer term effort. Arbitrarily I'd say 3 years, and that any real result of the universities' involvement, real substantial changes in the school systems of the universities' involvement, could really not be expected until at least 2 years.

CHAIRMAN FLEMMING. I appreciate these responses, because I recognize that it's difficult to get the educational bureaucracy refocused, just as it is difficult to get a governmental bureaucracy refocused, and so on, and the thing that I was really reaching for is whether or not—and I'll go back to that expression I used—whether or not the higher education community feels that this is so serious and that they feel that they can play such a significant part that they really have a sense of urgency, and are willing to cut through normal procedures and so on, in order to get some of these resources focused, and focused as quickly as possible.

Now, that's really, I guess, what I'm feeling for here. I don't know whether I have articulated it accurately or effectively or not.

MR. WARREN. I think there is an interesting paradox in that I have a great deal of faith in the universities over the short haul, to be able to mobilize itself.

I question more over the long haul, whether an extended commitment when all of the other value structures that are offered within the university come into play.

At the same time I recognize what Jim is saying, that the irony is that over the short haul it probably will be very difficult to effectuate any change that could be called systemwide. So there is sort of a "Catch 22" operating here, and you could end up in a sort of self-perpetuating downdraft, which you have to build a system to fight against.

CHAIRMAN FLEMMING. Counsel, did you have further questions?

Mr. Stocks. I would like to ask one, Mr. Chairman.

One of the obvious resources and perhaps obstacles that the universities will face, will be the cost of their activities in the Boston school system. What estimates do you now have of the cost of your activity, and what steps have you made to obtain funds to meet those costs?

Mr. Warren. I will start with a hard day.

I guess the people at the other end of the table enjoy me going first all the time.

[Laughter.]

Chairman Flemming. Go ahead.

Mr. Warren. Okay. In terms of actual cost, why don't I just put some numbers out that have been put on paper, and then we can work from there.

In terms of the proposal that the State department invited, I guess, the universities to submit under 636, that the university estimated to impact five schools and build a system—in other words, begin to model and develop the systems, there is a price tag on that of approximately $85,000.

Now, some of the costs already may be covered. A case in point. Universities—and I am director of research and development, so it is a part of my job to identify funds. There are many funds which are identified, and can be identified year over year, that may be harnessed and may be directed into a district rather than being scattered throughout the city.

A simple case in point is a Right to Read program that is currently operating in one district that has external funding of about $60,000, there is no reason why it cannot go into another district.

So that you can go through the catalog of the different inventory which universities may pull on.

I think if you put it solely on cost, though, you run into a very real danger in that a university then has the option of sticking with it as long as it is fiscally attractive.

The history of most Federal funding has been that once the funding has evaporated, the programs have also evaporated.

I think that what would be necessary, and much more beneficial, is some kind of matching support. And where help is primarily needed is in the initial planning, is in the delivery of some initial systems, is in the building in of some evaluation.

I think it would be unfortunate for the universities to look outside for external funding. I think much of it can be handled without much additional cost if the reward structure in terms of what I alluded to earlier, tenure, promotion, etc., can be tied into these kinds of tasks.

So that cost is a very problematical kind of item.

Mr. Stocks. Dean Warren, would you specify any kinds of activity, or other activity that your university has taken to redirect funds so that there will not be the necessity to go to outside funding and to develop an inhouse support for your Boston school program?

Mr. Warren. All right.

Case in point. This year for the counselor education department, which is part of its program, has teams of faculty and doctoral students working in the field simultaneously, delivering services to the school system and providing a learning experience for doctoral students with the faculty in the school. So it is not sending out the doctoral student to do somebody else's business.

That department has been informed that those types of activities would be refocused in District 1.

In terms of hiring for this year, we were very aware of this on the board, and Ken raised the problem earlier of our own records not being terribly clean in terms of the question of affirmative action. That many of the faculty have been selected both with an eye to that, and with an eye to their willingness to work in field settings.

There is a mystique in universities, as you know, that the faculty enjoy the "leisure of the theory class."

CHAIRMAN FLEMMING. Did HEW approve your affirmative action program?

MR. WARREN. They have asked questions and the questions, to my knowledge, the president is attempting to answer.

CHAIRMAN FLEMMING. Okay.

MR. STOCKS. Dean Marsh, would you respond to that question?

MR. MARSH. I think we would be less than candid with this Commission if we didn't reiterate for you, the fact that private institutions in this country have serious financial problems. I think you are aware of these facts, Phase II notwithstanding.

I know that at our institution, which serves the large middle class with a, I think, world famous work-study program, where half of our undergraduate students are working at any given time; a university that has tried very hard to keep its tuition at the lowest possible rate, and to have some relationship between tuition, costs, and salaries paid to our working students; an institution that suffers at this moment from a national recession just as any other group of people would, who are looking for a position.

I think it is unrealistic to think that private institutions are going to find it possible to direct great amounts of money into this project.

But I would like to emphasize to you also that Boston represents, I believe, the richest, cultural heritage and legacy—at least one of them that we have in America.

I believe there are many things that we can do that will not cost money, as long as our expectations are realistic. For example, at our institution we have a fine Olympic swimming pool, and I think it would be a great boon to many of the youngsters of Boston, if in District 7 where we are going to work, we could help to make a portion of the time at that pool available.

We have playing space in our athletic complex, we have cultural programs on the campus that are not fully attended by our own students such as art programs, music, concerts; if we made an effort to make these opportunities available without charge to the young people of Boston, we would be enriching their lives and I think these things do not cost money.

CHAIRMAN FLEMMING. Okay.

I am going to suggest a little more informal procedure than we have been following, the rest of the day.

We are at the end of the day; we need to conserve time, and yet I know all members of the panel are very, very much interested in this aspect.

See, I have been getting into it, as a former administrator, before I let a faculty member and a present administrator get into it. But I suggest, if I ask—I have one question that I do want to ask, and if I ask a question and if any member of the Commission wants to follow up on that particular question, let me know, we will follow up on that, then we will move to another question. In this way we won't be shifting back and forth to the same question.

I am very much interested in the extent to which those of you who are training teachers, utilize the public schools of Boston for practice teaching.

Now let me just point out the issue as it came out in our testimony—in our hearing yesterday. One high school was before us, the Burke High School. We listened to their faculty, administrators, parents, and students. And all I can say is, it was a very thrilling experience to us to listen to the kind of testimony that we received, particularly from the two students that wound up the day.

But I asked the question as to whether or not any student teachers were carrying on practice teaching in this particular school during the past school year. The answer was, no.

Then I asked whether or not any had participated the preceding school year. And the answer was, a good many.

Now is that an unusual situation that was presented to us, or is it a fairly typical? I guess my question is, as a matter of policy over the years, have you been just as anxious to get the students in the Boston inner-city schools as you have into the suburban schools, and if so, was there any shift of policy, consciously or unconsciously, during the past school year because of Phase I?

MR. MARTIN. From Boston College, it has been standard over the years. We have made no adjustment because of Phase I.

I might say though, that you have to look at the present secondary population of student teachers. In the last 3 to 4 years, it has drastically dropped.

COMMISSIONER SALTZMAN. Dr. Martin, if I may, Mr. Chairman?

CHAIRMAN FLEMMING. Yes, go right ahead.

COMMISSIONER SALTZMAN. Fifty percent of Boston College's student body comes from the city of Boston. Yet 90 percent of the students do their student teaching outside of the city, in the suburbs.

MR. MARTIN. That is because they request that.

COMMISSIONER HORN. Well this—may I specify this a little more?

This is exactly the point I wanted to get, leading at it chronologically from preservice experience on through. But let's, since we are here at student teaching, let's deal with that.

To what extent do each of the five universities represented before us require, as a condition of either degree graduation or the granting of a credential, which would be what we call it in California, that all of your graduates, those going into administration, counseling and teaching, among others, must have a multicultural, bilingual, multiracial sensitivity prior to the granting of either the degree or the credential?

Do any of the five of you require that?

MR. CASE. No.

MR. HASKINS. No.

MR. WARREN. No.

MR. MARSH. No.

MR. MARTIN. No.

COMMISSIONER HORN. All right. At California State University, Long Beach, we require it, and we require it because the president got tired of preaching, and merely said he wouldn't sign any more programs until they did it.

Now, I think most of us are convinced that you simply cannot let people volunteer to always go to the suburbs because of all of the fears involved. And we owe it to the faculty, and you have put your finger on it, we have trained the present faculties that are operating the public school systems of America, we owe it to those students to provide some sort of experience and exposure to these problems.

And I just wonder, are there any plans, is there any willingness on the part of your faculties or your presidential leadership or your deans' leadership, to do something about the problem?

MR. MARSH. I think we are dealing with conflicting values.

Significant as I feel the point you have made is in the preparation of a professional person, it cuts against my grain to force a young person in training, to—in order to be certificated—to pursue a specialized or specified program in a specific setting.

I think we can accomplish much of the same thing by less coercive methods. For example, if we are teaching certain of our courses in a field setting that is in fact the kind of cultural setting that you desire our people to experience, then there is no alternative but to have the student exposed.

Now I think that is the best we can do, is expose the youngster to that kind of study.

COMMISSIONER HORN. I am not saying we all have to put them into the center of Boston, or Los Angeles, or wherever.

What I am saying is, the faculty has to come to grips with the types of experiences and the way one might gain sensitivity as a result of these experiences, to this broad range of questions.

And the fact of life is, educators are constantly imposing their values on students, they are constantly requiring students to take courses that were outdated 20 years ago because of the fear of "old Professor Schnarp" losing the full-time equivalent student load, and so forth and so on. And you and I both know it.

Now what I am saying is, what are we going to do as educators—now I am talking to you as an educator—to get our faculties to deal with these problems, to not just have it studied in committee for another 5 years while the public schools are completely demolished in this country, which is the way we are headed if we don't do something about it, and have them set these priorities and put their talent to work to solve the problem.

COMMISSIONER FREEMAN. There is another point, though, and I think that part of it is the educational institution itself and who constitutes that educational institution, and that is part of the problem.

And that is that the educational institutions, for the most part, are white-male dominated. So therefore, unless this is changed, you are not going to get anything other than tunnel vision because the same people who are contributing to the problem are now on committees to try to change it.

So my question is, to what extent, while you are participating with the other committees, will each of the institutions look at itself, at its own faculty, and make changes forthwith to be more inclusive as to minorities and women? Because every one of them would be in violation of any consistent and effective and meaningful affirmative action plan if it was being enforced right now.

Is that not correct?

MR. WARREN. That is correct. And if we don't, the programs that we are embarking on are going to fail.

CHAIRMAN FLEMMING. Do you want to follow that?

COMMISSIONER SALTZMAN. On that point, Dr. Marsh, I really was very impressed with your remarks, the openness, the view of the responsibility of the educational system, and its shortcomings.

I have attended—I don't know—five or six universities in the course of the degrees that I have had to study for. And in every case, I have been told I have to take this, I have to go there. So that there were value systems implied in what was put on me.

And I think if America is to work, we have to come with a value system to the faculty we are producing and say, you know, you have to be aware of the cultural, racial diversity in this country, and be sensitized to it. Otherwise the whole system is just not going to work.

CHAIRMAN FLEMMING. If I may just interrupt for a moment, this Commission is just fascinated with the possibilities that are inherent in this portion of the memorandum of opinion as issued by the court. As far as we know, this is the first time that a Federal judge has incorporated in his memorandum of opinion the kind of provision that he has incorporated as far as the 20 educational institutions are concerned.

Now, as we indicated in our opening statement yesterday, we are very much interested in developments of Boston, particularly interested in the plans for Phase II. But one of the reasons we are interested, is that we are trying to see if out of your experiences, out of the plans here, we can develop findings and recommendations that will be helpful in other parts of the country, particularly in the North. That is one of our objectives.

So that we are very, very much interested in what you see as the possibilities that are inherent in this particular development so that we can determine, you know, in our report, what kind of findings and recommendations we would make. Not addressed to the Boston area, but addressed to the entire country.

COMMISSIONER RUIZ. Mr. Chairman, I would like to at this point have an input from Mr. Warren.

The reason—I notice he has been silent and he has been doing some research in education—

CHAIRMAN FLEMMING. He has been silent, you say?

COMMISSIONER RUIZ. With respect to this particular item.

CHAIRMAN FLEMMING. Okay.

COMMISSIONER RUIZ. And that he has been doing some research on educational development, and with relation to the court-ordered appointment of his dean in the case of *Morgan* v. *Hennigan* involved in both Phase I and Phase II, and that there is a plan to expand and train bilingual educational teachers.

With relation to that, is there anything, for example, in your institution, wherein this bilingual training program, relating to teachers can be tied in with relation to other teachers on this matter of sensitivity without, on this value system, without having necessarily become part of the class in order to train for bilingualism? Would there be such a way of doing that on the sensitivity side, that you are already providing for?

MR. WARREN. Talking about sensitivity, I am sensitive to the item, because I know Jim Case through the institute for teaching and learning, we were not the school to discover bilingual education, and I want to acknowledge that.

I think one of the interesting items, and yet one of the most difficult—and this I raised back for openers—is the question, and it has been alluded to in several of the questions you have raised, is that dimension that relates to building cross-cultural, in the broader sense of the word, understandings.

For that to occur: one, you have to have faculty that are in a position to be able to be generally on a—have first-hand experience with more than their own culture, which is predominantly—and this goes back to another issue—a white, Anglo-Saxon, Protestant, middle class. And you can write the rest of that script. Second, it means active involvement in field settings.

What we anticipate in the bilingual program is both through working with teachers in—working with the center for applied social science at the university, through working with some of the curriculum materials that have been developed and are being developed, to put them into situations in which they can evaluate and assess and look at their own value structures.

And I think, one of the cases, the Garfield School, the principal rather plaintively said that "my teachers don't know what is going to happen in the fall, they don't believe anything is going to happen in the fall, and they have never dealt with other than the current rather homogenized population that they have."

The problem there becomes one, though, of overexpectation. And this is what concerns me directly. What concerns me in the order is the time element. And I think various of us have alluded to the time element. That there is very little evidence to suggest, for example, that attitude change is reflected in behavior. So that you have got to put them in a behavioral setting, that in order to put them in a behavioral setting you need the people that are going to go there.

My concern with the discussion about student teaching, I don't think that very often is the right place to put a person in this setting, because there are more student teachers that probably never should be in that setting, have done more harm in that setting. So you have got to create some other vehicle for them to be exposed and then be able to make those value judgments.

So I think that you are talking about universities becoming a great deal more field based, you are talking about faculty spending a lot more time out in the field, you are talking about tying in with a much closer working relationship with the community.

So you are talking about changing an organizational structure in which the values still are, "How many articles have you written and in what scholarly journals have they appeared?"

That is why I am concerned less about the short term in which you can get a university to mobilize. But, what happens when those faculty who have been in the field, who have rolled up their sleeves, don't come out with the article that ends up in the scholarly journal?

And I don't have an answer to that, and that scares me.

COMMISSIONER HORN. I completely agree with you. You have made part of my inaugural speech 5 years ago, and you are right. And some of you said earlier, the rewards system in most universities, and even those that aren't as heavily research oriented as some of the ones before us today, is not to recognize the value of field experience, the relationship of theory and practice, the idea of working with successful practitioners in your chosen field, be it education or any other aspect of the university.

But one of the things that strikes me as you look at successful teachers, regardless of the racial context in which they operate, is that some people seem to be successful, and some people seem to be not successful. And maybe we have got to look at the broader picture of how do we screen out and refine our initial population in schools of education?

So that leads me to this question: To what extent do any of the five institutions before us require a preservice course where the student can have this field experience that Mr. Warren is talking about, and can discover, at say the junior year or the senior year of the undergraduate experience that, you know, "I really don't like kids"? Rather than, as we have too often had in this country, and certainly in my own State of California, wait until the fifth year, at the end of the fifth year, get the field experience, then discover he or she does not like kids. But by that time it is too late, there is 5 years invested in the one field and they go out to perpetrate the errors of another generation on students.

What are we doing to tackle that preservice problem and are we requiring it?

MR. MARSH. Could I talk to that?

Northeastern is a cooperative school. And during this last year, about 70 percent of our young people in the college of education, for their work experience, worked with children; not all in a school setting but in an institutional setting where they were working with children and the very phenomena you described, have occurred regularly. Young people discover they don't want to work with groups of students. Some of our students discover they don't want to work in a one-to-one relationship such as speech and hearing, and this is one of the great values of cooperative education; it is a 5-year program, it requires a 5-year investment. But I believe this investment is very valuable for the very reason you say.

MR. MARTIN. Students at Boston College are admitted as freshmen into the school of education, through the admissions office, based on criteria.

In their sophomore year, they are given the opportunity to go out one half-day a week; in their junior year, one full day a week; in their senior year, one full semester of student teaching.

And we feel by the end of the sophomore year, through the courses, through the experience, that they have gained some idea whether or not this is the profession they should choose.

And in some cases not on their own, through the help of counseling on the part of their professors and counselors.

Before I go on, I am wondering about those figures from, Mr. Saltzman, from Boston College, where he says 50 percent of the people were from the city of Boston?

COMMISSIONER SALTZMAN. That is from our staff interview with you, sir, those figures.

MR. STOCKS. No, sir. That was from Dean Pazlocki [phonetic] and that refers to the entire Boston College.

MR. MARTIN. Oh, you are talking about the university as a whole.

COMMISSIONER SALTZMAN. Oh, I see. I am sorry.

Mr. Martin. Because the school of education does not reflect 50 percent.

I just want to make that clear because I think it is important from our point of view.

Chairman Flemming. Well let's just make sure that the record is correct and to show just what the statistics are.

Commissioner Horn. Could I ask Mr. Haskins, what is Harvard's stand on preservice education as a requirement?

Mr. Haskins. Well first, Harvard has a graduate school of education. They do not train teachers.

Commissioner Horn. They offer a masters of art in teaching, so I guess—

Mr. Haskins. Not any longer.

Commissioner Horn. Not any longer?

Mr. Haskins. Not any longer.

The only thing that I could say that would make it sound relatively good, although I don't intend to, is that since it is a graduate school, most people coming into the program have had some experience, and the experience is evaluated before people are admitted. But that really doesn't answer it. It is just that they are not doing the kinds of things that you are asking questions about.

Commissioner Horn. How about the University of Massachusetts?

Mr. Case. The University of Massachusetts has a very small teacher training undergraduate program, which has some of the virtues and some of the drawbacks of the ones we have talked about already.

But what I wanted to say was, that to focus on, either in Boston or elsewhere, on preservice training of teachers as a major part of the university's role in city schools is probably, given the job market, not the most important thing to focus on now. That even if all of the institutions here and the other 15 or whatever were producing precisely the kind of teachers that we are agreeing here ought to be produced, the numbers of those for whom there would be space in Boston, or who would be hired in Boston over at least a 4-, 5-year period of time, would be quite slight. There are too many teachers in Boston already for the number of students.

And the tendency, therefore, from our point of view, is to focus more on inservice training and direct work on site, in schools than on preservice training.

Commissioner Horn. Well, I was going to lead to that as my next question. We are hitting both ends of the spectrum. We have preservice; we have talked about the placement of student teachers leading out to service.

Now let's talk about reentry education, or inservice training recurrent education.

To what extent do you feel that the Boston school system is taking advantage, now, of the resources you have in your respective universities, to upgrade their teaching faculty on the state of the art in dealing with this shifting student population ethnically.

Do you have special programs where you are working with them?

Do they have the resources to pay for them?

Do teachers, due to the incentives of their salary system, come to your universities at night or during the summer to take this special type of courses on multicultural, multiracial education?

Chairman Flemming. May I suggest that one of the witnesses respond to that and then the others just indicate whether you agree or disagree.

Mr. Marsh. Could I use it as a means to correct a, I think, misconception in an earlier comment that I made in response to two members of the Commission.

The very reasons why, in response—it answers this question just as well—the very reason why we will have difficulty as institutions, dealing effectively with that matter, is that we, ourselves, among our faculty, are lacking in viable resources that can address that problem. And this is why I was throwing a word of caution.

We do have many students from all of our institutions, from the Boston school system. And, I, for one would say that the school system has made greater effort in the last several years, particularly since Phase I, to meet with us and draw upon these resources.

Commissioner Horn. May I say, Mr. Marsh, I appreciated your comment when you said it. I thought you were quite accurate in your assessment. That is probably true nationally.

You lead me to one of my favorite proposals, which is heavily applauded when I talk to teachers' groups, but draws a dull thud when I talk to my own faculty. And that is to swap college teachers with public school teachers every so many years, so they find out what is going on in the classrooms out there as we deal with a completely different generation raised on television, which most of our teaching faculty has not really had through their own personal experience, an involvement with.

Do you, as institutions, and the Boston school system, have any sort of exchange arrangement that might permit master teachers from the Boston schools to come out to your universities for a semester, and some of your faculty to work at the sixth grade level, or the eighth grade level, or the high school level for a semester?

Mr. Marsh. Very little. In some cases, more the opportunity for teachers to come to the university. Very minor efforts, I believe, in the area of bringing our faculty to the schools. I am not sure they could survive very long out there.

Commissioner Horn. Well, you are right. But it could be under this court order, here is a unique opportunity given a potential consortium of 20 institutions to work on some of these cooperative arrangements.

Mr. Marsh. I agree.

Mr. Warren. I would like to address that specifically. It relates back to a question you alluded to earlier of what is the nature of your faculty. I think if you look at the faculty generally, where they would claim to have more expertise are in some of the more traditional academic and skill development areas. And the reason I say claimed is that is not then transferred necessarily over to the system from students who leave them.

Where you tend to get, I think, change in climate in individuals who will work and actually perform in classrooms out there with real live kids, who are faculty members, tends to be among the younger faculty members.

We have, for example, a team of faculty in three areas, working in the Bancroft School. In addition to working with the undergraduates, those faculty are actually responsible for teaching kids in that school and working with parents.

The interesting item that I am waiting to see what the reading is, that when those faculty come up for tenure, what is going to happen. And I think that this is—one of the questions you are indirectly addressing is the governance of the universities. And, as I am sure you are well aware, it is a rather complex problem.

COMMISSIONER HORN. Could we get back then to the inservice training opportunities.

Even though you have these limited resources, do you feel that as many teachers, or administrators, or counselors in the Boston schools are taking advantage of your program as might be?

MR. MARTIN. I think in the area of children with special needs, they are.

COMMISSIONER HORN. In other words, the specialty programs, special education, reading, bilingual—

MR. MARSH. Which was the 766 law, information that is necessary, plus the building in the area of assessment diagnosis.

COMMISSIONER HORN. See, one of the things I found is that in some school systems, and certainly our universities right now are prize examples, that with the average age perhaps at 44.5 years, with people having risen to the top of the salary scale, there is no further incentive, often, in the collective bargaining contracts for the teacher to go back to summer school or go to night school.

What is the experience here along those lines?

MR. WARREN. We found in terms of—it does not seem to be holding up. But I would also mention that it is in those areas which the teachers would dub as being crisis areas, or legislatively mandated areas.

I don't know whether this would hold true, for example, in the area of, if you had more of an answer to even looking at cross-cultural relations, or the dynamics of classrooms under stress. I wonder how many teachers, even if you had an answer in that area, would come to take something like that?

The system itself is saying, we want kids who read better, who write better, who do their math better. So that it isn't rewarded, really, in the system. And I am talking at the LEA or local educational levels. They are very conscious of other items.

So that I am not—don't have a firm answer on that.

Mr. Marsh. Could I venture one little philosophical comment here, because I think somebody ought to call the attention of the Commission to this matter.

The role of the university, it seems to me, is not to be a place where there are only practitioners. I think it is very important that we, at one and the same time, must strive to be a part of the society we would serve. But also, apart from it, if we are really going to provide a leadership function beyond the immediate.

Chairman Flemming. Let me address a question to the entire panel. Do you feel that the higher education community in this area exercised during Phase I the kind of leadership that society should expect from the higher education community when dealing with a basic constitutional issue of this kind? If not, why not?

Do you think the picture will change as this area approaches Phase II?

Now I am talking about the total community of higher education. I am not trying to fix responsibilities, say who in the community should have done this, that. But I am just talking about the impact of the higher education community on this area during Phase I.

Did it come through with the kind of leadership, maybe growing out of a common statement or something of that kind that the community would have a right to expect, and if it didn't, why not, and what are the chances as far as Phase II are concerned?

Mr. Haskins. From my point of view, it didn't.

It is hard for me to say what the reasons, you know, might be. But, certainly there was no forceful statement that came through from the universities as a whole.

There were, at least, to my knowledge, several meetings where proposals were made, or suggestions were made, but nothing ever came out of that in a public fashion.

Chairman Flemming. The top administrators didn't get together to confront the issue as such and then say, here is our combined judgment?

Mr. Haskins. Now, what you say what might be, I am not sure, that the Phase II suggestion might not even be welcomed in a sense that it allows the universities to get involved and do something without necessarily having to take a position other than that which, you know, universities do most easily.

Chairman Flemming. In other words, you don't feel that as you approach Phase II, that you could expect the higher education community to take a stand as a community on the legal and moral issues involved?

Mr. Haskins. Well, you see, the questions of legal and moral issues, universities, of course, well you know, are mixed.

Chairman Flemming. I know.

Mr. Haskins. You take one person like Coleman has changed his mind just himself, from where he stood 10 years ago. And so that within any one university, on any issue, you will have several, several points of view, if you talk about it from that point of view.

When you begin to talk about things like moral issues, like whether people should obey the law, the same question could be raised for the university that you raised, to both the businessmen and the religious leaders.

Chairman Flemming. That is correct.

Mr. Haskins. And in that instance, which has nothing to do with research or studies, the universities did not show up any better than any of the other of the groups.

Now this is a time that I think most of us are hoping that things will be, at least safe enough in the fall, that there would be no need for that. I hope that because people hope there will be no need for it, they don't prepare themselves to say something if something needs to be said.

That is about as much as I can say. I really don't know.

Mr. Warren. I think there is a problem here in which you look at the university, and when Glickman said a community of scholars, I think he made one mistake. There may be some scholars there, but it is hardly a community. And in the Boston area, you look at the number of institutions in this area, and I don't think we constitute a community and the mechanisms for communicating among ourselves are not what they should be. So that it ends up being individual actions of individuals who happen to be at a given university.

And I know in the case of Boston University, we have not ceased to receive threatening phone calls as a result of Dentler and Scott, the working with the courts. So that I am not willing to apologize for Boston University. One of the few times I am very proud of Boston University's stance in this area.

What does it mean in terms of a community, though, it would be rather presumptuous for me to—and I think Dentler and Silber would recognize it, that they speak for the community. They are a strong force and they do affect the behavior, and I am sure that has something to do with why all of the faculty members were ready to go out there and didn't ask any questions.

Commissioner Horn. If I could just suggest, I think the point most of us would make, if I can speak as a country boy from the West in an evolving university where all of you are well established—

Mr. Warren. That is a dangerous lead and you are setting us up.

Commissioner Horn. What we are urging is, here is a great opportunity, given that framework of court order, for the presidents of your respective institutions and the deans to use it as a vehicle, if they have never communicated before, to sit down and not merely look at what the schools of education can do for the public schools, but what the education, higher educational institutions in this area generally might be able to do for the public schools, in carrying through a desegregation order.

I just think it is a good way to maybe bring people together that should have been talking years ago on other issues as well.

COMMISSIONER SALTZMAN. May I ask—I am sorry.

MR. MARTIN. But I think we have to go back to something that was said earlier as well, and that is that within our own universities, there are differing point of views and they are very heated ones as to what a university is.

In fact, I talked to a few people recently and they don't feel that we should be involved at all in the Boston situation. Thank God that the majority don't feel that way. But the point of view has to be respected.

COMMISSIONER FLEMMING. Well, and I fully appreciate that difference of opinion within any university community. I think the thing that those of us who have been related—and have to keep in mind, however, is that when some hot issues come up involving regulations under Title IX, college and university administrators find it very difficult to get together and speak, and speak in a pretty vigorous manner.

Now, my only point is, isn't this kind of an issue, doesn't even surmount Title IX in terms of its importance as part of the future of the community, the society, is concerned.

Commissioner Saltzman had a question.

COMMISSIONER SALTZMAN. What do you see as the benefits accruing to the desegregation effort in Boston to the quality of education in the Boston school system, both on the faculty and student level?

MR. WARREN. I think the strongest opportunity rests in the concept of the district in which the universities will be able to concentrate effort within a reasonably restricted area, rather than scattering their seeds throughout the city.

I think, too, the councils will build in a form of accountability in which the universities are now public. We have had our projects, we failed, we all know how to bury them so that the ripples are not too large.

In this case, there will be district councils and citywide councils, that universities will be asking the question, "How did it go?" And they are going to want answers.

So I think that in terms of planning, there is going to be a great deal more systematic planning. I think, also, in terms of hiring, that universities are going to be very aware of this being their public window and in a city in which the question is being asked for various other reasons: "University, what are you contributing to the city?"

It is in the vested interest of the universities to be able to demonstrate by virtue of what they are doing, that yes, we are assisting the city, please go kind on the taxes.

So that it may be for the wrong reasons. But I think there is a different set of dynamics operating which provides an opportunity, whether, in fact, this will be a long and ongoing kind of commitment on the part of the universities, gets back to so much more basic questions, and that is the nature of the relationship between the universities among themselves, with the school department, what happens with the school committee, what is the process for communicating in which I don't have any control over many of those variables.

Commissioner Saltzman. But do you see any benefit to the student or faculty?

Mr. Warren. Yes.

Commissioner Saltzman. What specific benefit will come by reason of desegregation?

Mr. Marsh. Could I take a whack at that?

It seems to me there has been a very unhappy lack of accurate image between the universities and the communities in which they exist.

I think one of the great advantages to both the faculties of the school system of Boston and the students who go there will be a more realistic image of what colleges and universities are, what they can do, what they can't do. And I think this, as a value, is very important.

Chairman Flemming. I am going to ask whether any member of the Commission has a question and then after that, I am going to ask the members of the panel if any of them desire to make any additional comments.

The late Senator Morse, when he ran hearings in the Senate, often termed them "seminars," and growing out of his experiences as a professor of law at the University of Oregon. This, in effect, has been one that I have found very stimulating and very helpful.

Does any member of the Commission have another question?

Commissioner Horn. I have got just one.

Chairman Flemming. Okay. Go ahead.

Commissioner Horn. This has been touched on, when we talked about the various—is this on, or isn't it?

Chairman Flemming. Yes, it is on.

Commissioner Horn. We talked about the various skills the schools systems are hunting for. Reading was mentioned, other skills. And I am equally concerned about that. Some of you perhaps saw the clipping last fall about a black enlisted man in the Air Force who was discharged. He graduated from the San Francisco public high schools and they found he had a third-grade reading level. And this isn't unusual for black, white, any other, as some of our public schools systems push these students ahead, rather than deal with their very real problems.

And certainly, if the student can't read or write in this society, that student will not get an education, and very likely will not get a job.

Now, what are we doing, since a lot of these problems are in the center city schools, although the suburbs aren't exempt—witness the University of California, Berkeley, the leading institution in America, along with Harvard, having 45 percent of its freshmen class flunk the basic English examination. And they take the upper 12.5 percent of California high school graduates. Imagine the other 87.5 percent.

Now, what are we doing to get at this problem, especially as it affects students in the inner-city schools, who, many of whom come from backgrounds where the parents have never had an education?

Mr. Case. I think that one of the dangers of the universities' involvement under the court-ordered plan, I think it is a real danger; there will be a plethora of superficial programs which may be nice, may be good in themselves, may affect a few kids well, may be a nice media workshop for teachers—there are all kinds of things. I can give a long list of things that might happen, and still not answer your question or Commissioner Saltzman's question, with what is going to happen in terms of real benefits to students in the classroom.

The reason I emphasize the long term nature of this, from our point of view earlier, is because I think that—I am hesitant certainly, and I bet my colleagues are hesitant—to say that because of the universities' involvement in the school year, reading scores in the city of Boston are going to increase half a grade level over what they normally would be. You can't make that kind of statement.

But at the same time, I would like to respond to your question by saying that if the universities' involvement in the long run does not affect some of those basic reading, writing, and mathematical skills, and does not affect some of the basic attitudes of teachers and students in the school system, then I think it is probably fair to say, no matter what has gone on in the surface, that that involvement is a failure.

Starting out at the beginning of Phase II, that is a very risky thing to say, because you set yourself up, perhaps, to fail. But the danger of the superficial programs is very much there, and it is there because the universities are under a great deal of public pressure to produce and to produce quickly, and something that is jazzy, is newsworthy.

Chairman Flemming. All right. Now, would any member of the panel like to make, in effect, some closing comments? I would be delighted to hear from them.

Mr. Haskins. That is a good closing comment.

Mr. Martin. I think this is going to cost money.

Chairman Flemming. Well, I gathered that from some earlier comments, and I don't know whether we really explored that enough. As I understand it, there has been a allocation from State funds of $900,000.

Mr. Martin. That's right.

Chairman Flemming. Has any effort been made to determine whether or not there are Federal funds available for this particular purpose?

Mr. Warren. It is my understanding that in the course of the development of the court order there had been various communications with the U.S. office in Washington.

I think, being more realistic, and the more critical points are the issues that you have been dealing with, because I work with a certain faith that there will be enough or hopefully social educational legislation which would enable universities to get what is necessary to break some new ground.

I think the more important question and that those can be focused into areas where they will do the most good, rather than taking it however and wherever it comes.

My bigger concern relates to the institutional reward and the whole process through which decisions are made, as to how might universities best interface with both the community and the school system.

I couldn't help but notice you have a guest with whom you will be speaking tomorrow, who I think you might be interested in some of the perceptions of the school department of the role between the councils and the universities, as we are not off to a very auspicious beginning.

Chairman Flemming. Additional comments on the part of anyone?

[No response.]

Well, we are very indebted to you. Do you have—

Commissioner Horn. May I say, since money was mentioned, that I don't think that is enough and if we have the self-fulfilling prophecies that it is going to fail because somebody didn't produce sufficient money, that would disturb me.

I will tell you what it takes; it takes will. We are using millions and hundreds of millions and billions in resources right now. The problem is to redirect them, not re-invent the wheel.

And if Johnny can't read in the first grade, sit Johnny, or Suzy, or whoever, down and say, "You are not getting out of here until you do read," but not pass the problem on.

Mr. Martin. I am just talking about the facilities at the university level. I agree with you. There has to be commitment.

Commissioner Rankin. As the only simon-pure college professor here, I ought to be allowed to say one word, but you can't get a word in with all these administrators around, don't you see?

Chairman Flemming. Well, you feel at home, don't you?

Commissioner Rankin. Yes, I feel very much at home.

Chairman Flemming. Okay. Go ahead.

Commissioner Horn. It is our revenge on college professors.

Chairman Flemming. You have the last word.

Commissioner Rankin. The thing that worries me down home lots of times is how little influence the college community has on the town of Durham. We have so little. I come here and I find maybe the same thing that all these educational institutions and Boston goes the other way.

And maybe you have given me some comfort. I don't know. But I do get discouraged. It is too bad. In the long run, I think we do have influence. In the short run, it is awfully hard to see sometimes.

Chairman Flemming. Thank you all very, very much. You have been very helpful.

[Whereupon, the hearing adjourned to reconvene at 9 a.m., Wednesday, June 18, 1975.]

UNITED STATES COMMISSION ON CIVIL RIGHTS

Wednesday, June 18, 1975

The U.S. Commission on Civil Rights convened, pursuant to notice, at 9 a.m., Arthur S. Flemming, Chairman, presiding.

PRESENT: Arthur S. Flemming, Chairman; Stephen Horn, Vice Chairman; Frankie M. Freeman, Commissioner; Murray Saltzman, Commissioner; Robert S. Rankin, Commissioner; John A. Buggs, Staff Director; Jacques E. Wilmore, Regional Director; Lawrence Glick, Acting General Counsel; William T. White, Jr., National Issues; Paul Alexander, Assistant General Counsel.

PROCEEDINGS

Chairman Flemming. The hearing will come to order. Counsel will call the first witness.

Mr. Alexander. Maureen Costello.

[Whereupon, Maureen Costello, Chairperson, Concerned Citizens of Roslindale, was sworn by Chairman Flemming.]

TESTIMONY OF MAUREEN COSTELLO, CHAIRPERSON, CONCERNED CITIZENS OF ROSLINDALE

Chairman Flemming. Thank you. We appreciate your being here.

Mr. Alexander. Could you state your name and address for the record, please.

Ms. Costello. Maureen Costello, 42 Doncaster Street, Roslindale.

Mr. Alexander. How long have you been a resident of Roslindale?

Ms. Costello. Twenty-three years.

Mr. Alexander. And Boston generally?

Ms. Costello. Thirty-two.

Mr. Alexander. What area of Boston did you grow up in?

Ms. Costello. I started out in the Roxbury area until I was 8 and then I moved to Roslindale. I have been there every since.

Mr. Alexander. Did you go to school in the Roslindale area?

Ms. Costello. No, I didn't.

Mr. Alexander. Where did you go to school?

Ms. Costello. I went to school the first 4 years in Roxbury, the second 4 years at Hyde Park. I went to high school in Milton and I went to college at BC in Chestnut Hill.

Mr. Alexander. You're a teacher, is that correct?

Ms. Costello. Yes, I am.

Mr. Alexander. What is your degree in?

Ms. Costello. I have a B.S. in English and I'm certified in elementary education.

Mr. Alexander. Do you have children in the schools—eligible for the school system in Roslindale?

Ms. Costello. Yes, I have one in kindergarten now and another entering.

Mr. Alexander. When you learned of the desegregation plan last spring for the Roslindale community, what was your reaction?

Ms. Costello. Well, my—at first, you know, just went along with things and then when I found out what had been done to the Roslindale schools, I was very upset.

Mr. Alexander. Could you specifically tell us what kinds of things you mean about having been done to the Roslindale schools?

Ms. Costello. I was very upset with the poor planning, I felt, of Phase I. At my neighborhood school, the George Conley School, there was a great deal of overcrowding and we went—when we went to register the children for kindergarten, we were told that because of the overcrowding, there might not be room for kindergarten children there.

Mr. Alexander. Were other parents similarly upset?

Ms. Costello. Yes, they were.

Mr. Alexander. Was there an organization established out of some of this activity?

Ms. Costello. Yes, a group of us got together. We had a meeting at our local home and school and from there, we went in and we met with the lieutenant governor. We worked with a group called Massachusetts Citizens Against Forced Busing who tried to do things legally through the legislature and then things were quiet over the summer.

In the fall, our group got larger. We'd get people from other parts of Roslindale who were upset because of the way Roslindale had been divided. Our high school children were sent to three different high schools and middle school children were sent to four different middle schools and the elementary schools were greatly upset.

Mr. Alexander. Could you give us a little background as to the type of community Roslindale is. Is it a place that people live for long periods of time, or is it a more of a transient-type community? Give us some sort of sense of the community.

Ms. **Costello**. Well, there are people who have lived there for a number of years. There are, you know, there are transients. It's more or less of a melting pot. There is people of all different nationalities there. We have a large Greek population. We have a large black population. There 's Irish, Italian, Spanish, all nationalities.

Mr. **Alexander**. Does—is Roslindale politically represented in the State or the city; is it a political unit?

Ms. **Costello**. No, that way Roslindale is all split up, also. Where part of Roslindale is with the Hyde Park ward, part is with West Roxbury, another part of Roslindale is with Jamaica Plain; so we don't even have one State representative of our own. We're all divided up that way, also.

Mr. **Alexander**. Could you tell us what the facts were that led to the formation of the Concerned Citizens of Roslindale?

Ms. **Costello**. Well, mainly it started from the Conley School, from the kindergarten parents who were upset that way. Some of us just met by word of mouth for various incidents that may have happened, or some of us met through Mass. citizens or through the ROAR group.

Mr. **Alexander**. Would you characterize what—the kinds of activities that the concerned citizens have carried out over the year concerning school desegregation and then expand to other areas, if there are other areas that the group has been involved in?

Ms. **Costello**. Our main concern has been with the overcrowding and the education that has or has not gone on in the schools. We've been concerned with safety and education primarily.

Mr. **Alexander**. Has Concerned Citizens of Roslindale when—in your experience with it, expanded to any other than school areas? Has it become more than an antibusing group, so to speak?

Ms. **Costello**. Yes. Because of the size of our group and that we had representation from all over Roslindale, we felt that we could fulfill other needs in Roslindale, in that Roslindale has never had a good civic organization. None of them ever really seemed to work out.

So we got involved into other things, like the health committee. We've had meetings on the 100 percent eval—we worked with the, you know, the "little city hall" and all. We had worked with the 100 percent evaluation. We've answered all kinds of—people called us and for all kinds of information.

Mr. **Alexander**. You are the chairperson of the concerned citizens over this past year until recently?

Ms. **Costello**. Yes, I was.

Mr. **Alexander**. Is that correct?

Ms. **Costello**. Yes.

Mr. **Alexander**. Was concerned citizens an affiliate of ROAR?

Ms. **Costello**. No. We were chartered and we wanted to be independent. I didn't want our group to be dependent on ROAR, on Mass.

citizens, or any other group. We went on our own and got a charter as a charitable and educational group.

MR. ALEXANDER. Do you feel that your group's philosophy is similar to that of the citywide group, the ROAR group?

MS. COSTELLO. Some people in our group may, you know, their philosophy may be similar to ROAR, but I wouldn't say the majority. I think we're more or less just concerned with our, you know, with Roslindale. We are against forced busing. That was why we did, you know, get together. We do feel that that was wrong, but we were concerned with the education in the schools and with civic things in our neighborhood.

MR. ALEXANDER. You also mentioned Massachusetts Citizens Against Forced Busing. Are you a member and officer in that organization?

MS. COSTELLO. I am on their board of directors.

MR. ALEXANDER. Could you explain to us briefly the kinds of steps that that organization has pursued in its opposition to what you've termed "forced busing"?

MS. COSTELLO. They have—well, what they've done is, they do publish a newsletter and update things that are going on in the legislature and they file legislation. They recently filed the bill for the constitution, the State constitutional amendment which was passed last week in Massachusetts. They have gone to Washington to lobby. And what else?

And right now they are in the process of going to the New England States' lobby and meeting with representatives from the different states.

MR. ALEXANDER. Is this lobbying for a constitutional amendment?

MS. COSTELLO. Yes, it is.

MR. ALEXANDER. I gather over the year that you've become pretty well informed about some of the legal steps involved in your movement; is that correct?

MS. COSTELLO. Yes, I would say, you know—

MR. ALEXANDER. In your view, is a constitutional amendment the—an achievable reality within any short period of time?

MS. COSTELLO. I wouldn't say that. I would say a couple of years, a few years.

MR. ALEXANDER. Now, are you aware of any other legal means that would turn over the Federal district court's ruling which has been affirmed by the court of appeals in the United States Supreme Court?

MS. COSTELLO. Right now—when I started in the movement, antibusing movement, I thought that perhaps there would be things that could happen, but now I'm just going along with the constitutional amendment.

MR. ALEXANDER. You feel that that is the only legal way that you're aware of that this could be changed?

Ms. Costello. Yes, like when I did start, I had hoped that perhaps Judge Garrity would see the folly of what he had done and perhaps would, you know, change his mind, or that his ruling could be overturned. But now, I, you know, I see that that hasn't happened.

Mr. Alexander. What are—what are your own personal views concerning the kinds of things that parents can legitimately do when they have a strong personal belief in this area, as you, you do?

Ms. Costello. Well, I tend to, you know, think that they should do things on the constructive line, you know, do whatever they can to see that the children—if they want to send their children to school, to see that there is safety at the school for the children.

Mr. Alexander. As—

Ms. Costello. And that would be to just carefully, you know, monitor their own children.

Mr. Alexander. As—did the Concerned Citizens of Roslindale take a position on the school boycott?

Ms. Costello. No, we didn't.

Mr. Alexander. Either against or for?

Ms. Costello. No, we left that up to people, whatever, it was their own personal thing.

Mr. Alexander. Now, you mentioned concentrating on schools and making sure things happened well in the schools. What kinds of things would you as a person be willing to do in the schools to try to obtain quality education?

Ms. Costello. Well, I tend to feel that there is a great need for discipline in the schools and I feel that, you know, this has to get across. I think that is up to the teachers. And I think that the teachers' union should be appealed to in that standard. If they can't—teachers can't provide discipline in the classroom, they should appeal for some kind of help if they can't have the discipline in the classrooms, in the halls, in the lavatories.

Mr. Alexander. Would you be willing, personally, to serve as other citizens in the community have served in being at school to greet children coming to school, or to provide a presence to insure safety? Do you think those are appropriate things that citizens can do?

Ms. Costello. Yes. Even though I am against forced busing, I would never want to do anything that would, you know, in any way have anything to do with any child being hurt. This fall I probably will be doing something because I have been elected to be president of our local Home and School [Association], or acting president until they can find someone whose job, you know, we don't know where our children will be next year—

Mr. Alexander. Do—

Ms. Costello. —so I am, I will be helping out that way.

Mr. Alexander. Do you think that your view is shared by large numbers of persons in your community.

Ms. Costello. Yes, I—well, I think anyone who will be sending their child, I hope, will go along this way; I don't know.

Mr. Alexander. Did parents in Roslindale in large numbers frequently go to school, or demonstrate at schools?

Ms. Costello. No.

Mr. Alexander. Well, how would you account for that?

Ms. Costello. Well, I would, like in the elementary school, I know that the Home and School this past year, the parents who are active did go to the school to help along with the safety. I think a lot of the parents, you know, sent their children to school hoping, you know, that the school would take care of everything.

I wouldn't—by—I don't know what you mean by "demonstrate." I mean, do you mean did they go to school and—

Mr. Alexander. With picket signs—

Ms. Costello. No.

Mr. Alexander. —large numbers by buses.

Ms. Costello. No, there wasn't any of that in our community.

Mr. Alexander. Sit-ins?

Ms. Costello. We did go to the Washington Irving Middle School, but that was sometime atter school had started, because there were, because that school was greatly overcrowded. There were many, many incidents at that school. That, I think, was one of the worst schools in the city this past year. And we did have to go to that school.

Mr. Alexander. And what was achieved through that?

Ms. Costello. Well, we were promised that there would be more police people put in the school and there was supposed to—because of our visit, there was supposed to have been three plainclothes people put in the school. And we we also went to the school committee, because of that school and a few other schools.

And there was a ruling passed at the school committee when we went there, that so many children who were suspended so many times would have to—would—could be expelled from the school and not admitted back.

Mr. Alexander. I know you just recently stated that you are a teacher certified in the city. What types of educational programs would you like to see be run in the school system, and do you think they are in existence presently?

Ms. Costello. Right now, no.

Mr. Alexander. What kind would you like to see?

Ms. Costello. Well, for the Washington Irving School in particular, I think that there should be some—I think they are thinking about some kind of a cluster-type program that would, there wouldn't be too much movement between classes.

Because that seems to be where most of the trouble is, when the children are changing classes. So, perhaps if there couldn't be too much movement—

But, again, I still think that the discipline is the important thing. And a lot of that I think depends on the parents, too, if they can communicate with the children.

Mr. Alexander. In interview with the Commission staff, you mentioned that you thought the constitutional rights of parents in Boston were being violated. Would you—would you explain that to us?

Ms. Costello. Well, one thing was that when there were incidents in some of the schools, that the parents went to the schools, they weren't allowed to go in and get their children if they fear that something may have happened to their child, or if their children were endangered, they weren't allowed to go into the schools to get their children.

Sometimes if there was an incident in the school and children wanted to run out the doors, they were kept inside the school; they couldn't get out. And then the other thing was that in Boston, people feel that it is their right that they can go to their neighborhood school, and people feel that that right has been taken away from them.

Mr. Alexander. You did not go to your neighborhood schools, I take it?

Ms. Costello. No, but that was because my parents wanted me to go to a parochial school and that was their right.

Mr. Alexander. Do you think going to the neighborhood school is essential for a sense of neighborhood?

Ms. Costello. I think it is essential for a lot of things. I think it's—it is good for the neighborhood. I think parents get more involved when children are in their neighborhood school. They—they can, like in our neighborhood school, the parents run a library and the parents go up every afternoon and they take the different classrooms down to the school library. Now, the parents paid for the books, set up the library, and take care of the whole thing.

Mr. Alexander. Were your—were your parents active in your school in the other community?

Ms. Costello. Yes. But, again, that was a parochial school and that's a, you know, that's a different situation.

Mr. Alexander. Well, did you find parents were particularly active in the Roslindale schools before this past year?

Ms. Costello. In the neighborhood schools, I would say definitely, yes, and in the middle and high schools, they had very strong PTAs.

Mr. Alexander. What would you say is the role of the Home and School Association now that Phase II has been announced and there will be new movement, I gather, in the Roslindale community over the next year. What kind of role do you see the home and school association playing?

Ms. Costello. I think we'll probably try and just do the best to go along and—wherever they can.

Mr. Alexander. What kind of resources do you have available to you in the Home and School for information? For example, when parents have questions about what happens to their child if they're in another school and the child gets a cold, or is not feeling well and needs to go home. How can you respond to those type of questions?

Ms. COSTELLO. Well, right now, that has been the parent's responsibility to get the child home. They'd—what they'd usually do is call the parent at home and the parent usually has to send a taxi cab there to get the child home.

MR. ALEXANDER. Is that the type of program that could cooperatively be worked out between parents and different communities to take care of children who need to come home from school? Could your organization play a role in something like that?

Ms. COSTELLO. They possibly could. I don't think, you know, that it's something that parents are too happy when you have to, you know, go into those kinds of things.

MR. ALEXANDER. What kind of technical assistance is available to a Home and School? When you get a hundred-and-some-odd-page legal decision as the basis for what's going to be happening in the schools, who provides understanding of what that is to you? Who translates that into 2 to 5 or 10 clear, concise pages, so you can let your membership know what, in fact, was ordered, and what was not ordered?

Ms. COSTELLO. Okay. I must point out that I haven't been that active in the Home and School.

MR. ALEXANDER. Okay.

Ms. COSTELLO. Okay. But I do know that they do have attorneys and they also have, they have Fremont Smith this year, who I'm sure is helping out. And they do have a, you know, a strong structure within the Home and School, but I have not been into Home and School meetings and—

MR. ALEXANDER. Well, do you think that would be an appropriate role for the Home and School, to provide clear, factual information about the schools this coming September?

Ms. COSTELLO. I think that they're, they've probably been doing that all along anyways and I think they'll probably continue to do it.

MR. ALEXANDER. Are you still a member of the Concerned Citizens of Roslindale?

Ms. COSTELLO. I'm still a member, yes.

MR. ALEXANDER. You're not chairperson anymore?

Ms. COSTELLO. No.

MR. ALEXANDER. What role do you see for this organization over the coming year? Is it still expanding its function in what would be termed civic affairs? You mentioned it—other than just school issues that you were dealing with.

Ms. COSTELLO. I'm sure they will go along with the civic. I'm no longer the president, so I'm not sure exactly what they will be doing.

MR. ALEXANDER. I have no further questions at this point.

Ms. COSTELLO. Okay, could I just add one thing?

MR. ALEXANDER. Certainly.

Ms. COSTELLO. You mentioned that when I did go to the—when I went to elementary school, I did go to a parochial school, but it was not the parochial school in Roslindale and I really didn't like the fact that I had to go to another neighborhood, because when I did have to take the bus home, I left all my friends at school and I was always envious of the children in Roslindale who could go to the parochial school in Roslindale, which I couldn't get into, because it was filled, and to the public schools in Roslindale.

So, even though I did—I was voluntarily bused to an elementary school, I wasn't, you know, that happy about the aspect of the busing and the friendship.

Chairman Flemming. Commissioner Horn.

Commissioner Horn. What is—what is your impression—is the mike on—what is—is it on?

What is your impression of the coverage of desegregation by the Boston newspapers and television media from your point of view? Do you feel your side got its story adequately told, or just what are your reflections?

Ms. Costello. No. As someone who was against forced busing and against any kind of violence, I still didn't feel that our side was adequately told. I think that things were covered up that probably should have come out. If things weren't going as smoothly as they should have, then it should have come out in the papers. I think that the news media should have been more honest.

Commissioner Horn. You feel the papers gave the impression that things were going better than they were?

Ms. Costello. Yes, I do.

Commissioner Horn. Is that your feeling?

Ms. Costello. And I don't think that that was fair to the school children of Boston; all the school children of Boston.

Commissioner Horn. How about the local television programs, did they sort of give the impression things were going better than they were?

Ms. Costello. Yes.

Commissioner Horn. How about the national news shows on Boston?

Ms. Costello. Oh, I—I think that they, there weren't that many, but the ones that I did see, I thought they depicted Boston as being a racist city which I do not think it is.

Commissioner Horn. Did the shows you saw show violence going on in the schools, or in the streets, or what?

Ms. Costello. Most of the show—programs that I saw showed large crowds of people and maybe would single in on maybe one or two people in the crowd. But I don't think what they showed was typical of the whole city of Boston.

Commissioner Horn. What would you have shown if you had been producing the show to reflect the situation?

Ms. Costello. Perhaps I would have gone into an overcrowded middle school and shown the lack of facilities and lack of educational materials, lack of safety, lack of personnel, safety personnel. And just maybe the overcrowdedness and what these schools had to offer, or not to offer the children.

COMMISSIONER HORN. Did these conditions exist prior to Judge Garrity's order?

MS. COSTELLO. I don't think there was overcrowding in the middle schools or in the elementary schools in my part of Boston. Now, this is the Roslindale area. Phase I, which was planned by the State department of education, overcrowded the schools. The schools were not that beautiful and they did not have that many educational materials, I felt, but this only added to the overcrowding and the whole situation.

COMMISSIONER HORN. Since the desegregation order was handed down in Phase I, have you found an improvement in the educational materials in the classroom?

MS. COSTELLO. I—I don't think so, no.

COMMISSIONER HORN. We've had testimony from parents in primarily black schools, that for the first time in the decade, for example, they got a microscope, decent educational materials, so forth. And I just wondered if that was also your experience.

MS. COSTELLO. I haven't seen an abundance of that. I know in my neighborhood, the elementary school in Roslindale, that a lot of the audiovisual material from that school were brought by the Home and School Association.

COMMISSIONER HORN. Once the Phase I decision was handed down, how would you describe or characterize the attitudes of the local school administration, with whom you dealt, toward carrying out the desegregation order? Would you say they were supportive, opposed, facilitative, what?

MS. COSTELLO. Well, in my neighborhood school, I know that the, the, you know, we didn't have a principal there. We have an acting principal. She resigned. A number of teachers resigned. So, what we found ourselves having to work with a new principal, a new vice principal. They, you know, they did, they went along with it and they did their best.

COMMISSIONER HORN. Did these people who resigned just leave the Boston school system, or did they want to go to another school?

MS. COSTELLO. No, they just retired.

COMMISSIONER HORN. They just retired.

Do you feel—I gather from some of your testimony you feel it was somewhat chaotic in terms of the opening of school. People didn't know what they were supposed to do, so forth. You as a responsible parent leader in terms of the Phase II, is the Home and School Association working with the school administration to try and smooth the transition in Phase II?

MS. COSTELLO. Yes, they are. And I—I, like I say, I have not been that active in the Boston Home and School. But I know that they did work, the Boston Home and School Association did work with the school department.

One thing I didn't mention was that in Roslindale, we did have schools that were integrated last year. And I think that if Phase I had been better planned, there would have been a lot less busing and a lot less chaos if just concentrated on our area alone. I just think in general, there has been poor planning.

COMMISSIONER HORN. And poor planning because parents really didn't know what was expected of them or their children?

MS. COSTELLO. Not—

COMMISSIONER HORN. In terms of assignment?

MS. COSTELLO. But not necessarily that. I mean, just in students, assigning students to the different schools. I mean, we had black and white children that were going to school in Roslindale last year without incidents, or without trouble, and those children were taken out of the schools.

COMMISSIONER HORN. The black and white children that were taken out of the school, were they of—would you describe them as middle class children in terms of economic background? Was there an economic class difference here is what I'm trying to get at.

MS. COSTELLO. No. They were all probably Roslindale students, which Roslindale, I would say would be lower middle class. Lower middle, upper lower.

COMMISSIONER HORN. So, this is really, again, a neighborhood feeling you're emphasizing rather than economic or racial differences?

MS. COSTELLO. Oh, I wouldn't say any economic difference, any great—not a great economic difference, no. We also had children who were voluntarily bused into Roslindale last year. It wasn't just all our own Roslindale children.

COMMISSIONER HORN. What do you think—you mentioned the discipline situation. What do you think can be done about that? Is it strictly the burden of the schools? Is it a problem of the breakdown of the church and parents and family in society? Is there any way to overcome it, or is the whole burden on the schools?

MS. COSTELLO. Well, I do think the parents are involved. I think there are a lot of liberals go—a lot of, there is a lot of liberal philosophy around. I don't think that helps. But I do think a lot of responsibility does go with our teachers.

We have—Boston teachers are—do get good salaries and I think we—it's not too much to expect from them if they can't handle a class, or if they feel that their classes are too large that they should speak up more and have their unions do something about this. I think that the teachers in Boston do have a responsibility to us. And I don't think that many teachers this year have been completely honest.

COMMISSIONER HORN. Honest in what sense?

MS. COSTELLO. In that if their classes are too large, or if they can't maintain the discipline, they haven't admitted it. Or they have—things haven't been working out right, I think they should have—they should have spoken out.

COMMISSIONER HORN. Thank you.

CHAIRMAN FLEMMING. Mr. Rankin.

COMMISSIONER RANKIN. In your interview, you mentioned the fact that Roslindale got the worst of it under the Garrity Plan. How did your section get the worst of it under the Garrity Plan?

Ms. COSTELLO. By the Garrity Plan, I mean the Phase I Plan—

COMMISSIONER RANKIN. Phase I Plan, yes; I understand.

Ms. COSTELLO. —by the State department of education.

Well, high schools, we had one high school in Roslindale, Roslindale High School. Under this plan, Roslindale was split up. Some of the children of my neighborhood are going to Hyde Park High. Another part of Roslindale, they're going to Roslindale High. And in another section of Roslindale, they have to go to English High.

Our middle school students have to go to the Washington Irving Middle School in Roslindale. Some have to go to the Lewenburg School in Mattapan. Some have to go to the Mary E. Curley School in Jamaica Plain and some have to go to the Roosevelt School in Jamaica Plain. And then the elementary schools were all upset.

COMMISSIONER RANKIN. Well, after they'd been in these schools a year, were they still upset or not, or had they become accustomed to it and were more willing to attend?

Ms. COSTELLO. I would say that of all the—of all the schools, I heard the—I'm not that familiar with the Lewenburg 'cause of where it was in Hyde Park, but the school—the Washington Irving School, I don't think anyone would want to attend there again, it was so terrible this year.

COMMISSIONER RANKIN. Your organization, does it, your concerned citizens' organization, does it have a budget?

Ms. COSTELLO. No, we—we raise our own money.

COMMISSIONER RANKIN. How—how do you raise your money?

Ms. COSTELLO. We had, we've had two dances and we pay our own bills, or we put our own money in.

COMMISSIONER RANKIN. Did you receive gifts from anywhere else in the city or—

Ms. COSTELLO. No, no, just our own area.

COMMISSIONER RANKIN. It was all membership money, is that correct?

Ms. COSTELLO. Membership money, or if we had a dance, like people who were not members may have come to our dance and—to help support us.

COMMISSIONER RANKIN. Do you remember about how much you raised during the year?

Ms. COSTELLO. Oh, I would say a couple thousand dollars at the most. We keep—

COMMISSIONER RANKIN. And you operate—

Ms. COSTELLO. —we operate, you know, we don't go over—between $1,000 and $2,000 we would keep in our treasury, but that's more or less just to pay our bills. We have two telephones in the office, electricity.

Commissioner Rankin. Your organization has taken no stand on Phase II yet. Did you say that in your interview or not? You just looked it over—

Ms. Costello. Right.

Commissioner Rankin. —but have not taken any position.

Ms. Costello. No.

Commissioner Rankin. You can't anticipate any position you might take?

Ms. Costello. No.

Commissioner Rankin. Again, from your—

Ms. Costello. What do you mean by that? Do you mean to go along with it, or to—to try to obstruct it?

Commissioner Rankin. Yes.

Ms. Costello. No, we would never do anything like that. We would never obstruct it, or work against it. We would never take, no, a stand that way at all.

Commissioner Rankin. Following Mr. Horn's question, you say people want stronger discipline in the schools. How much of—say, make it a hundred percent. How much discipline in the school do you think should depend on the teacher?

Ms. Costello. I would say most of it. I mean—

Commissioner Rankin. Any on the parents; any on the parents?

Ms. Costello. —the teacher is supposed to be in control of that classroom.

Commissioner Rankin. Any on the parents back home?

Ms. Costello. Well, the parents will not be in the classroom. It will be their children who will be in the classroom, but as I said before, the parents should, you know, speak to their children and talk with them at home and prepare them for the classroom and explain things.

Commissioner Rankin. Do you think your organization would support teachers who try to keep order in the classroom and make students behave?

Ms. Costello. Certainly.

Commissioner Rankin. I still think that there is some responsibility, maybe a little bit more than you do, on the parents back home since I'm a school teacher, don't you see, and I'd hate to have all the blame placed on me.

Ms. Costello. Well, I know. But I know that within our group, I would say just about, close—I would say almost about a hundred percent of the children in our group, of the parents in our group, did not have—who went to school, some parents did not send their children, but most of the children who went to school did not have incidents in school or were not discipline problems. And I think that was because they had conscientious parents.

Commissioner Rankin. Well, if they had stricter discipline and students were made to behave, would that alter your position toward busing?

Ms. Costello. I—morally, I think forced busing is wrong.

Commissioner Rankin. All right, but I—

Ms. Costello. But I do not want to see the schools disrupted either. I want to see education going on in the schools?

Commissioner Rankin. But wouldn't you—you'd feel better toward busing a little bit, wouldn't you if there were stronger discipline in the schools?

Ms. Costello. I still would think that forced busing was wrong, but I would be happy about the education that's going in the school. You know, I'm still always going to think that it's wrong to take children away from their neighborhood school even though some people don't think neighborhood schools are all right. I—I—no one ever told anyone in Boston that they weren't all right.

Commissioner Rankin. What if your neighborhood school was pretty terrible and the one right across, about half a mile away was really good? Wouldn't you object to be—having your children sent to the poor school rather than being allowed to go to the good school?

Ms. Costello. Well, I should have the right to choose. I would rather have my child go to a school where—

Commissioner Rankin. So you want right of choice rather than to keep them in the neighborhood—

Ms. Costello. Yes.

Commissioner Rankin. —school, is that it?

Ms. Costello. Right, right of choice. Freedom of choice.

Commissioner Rankin. One last question.

What's your interpretation of the *Brown* case?

Ms. Costello. My interpretation was that if the children in that case, the child in that case was being bused past the neighborhood school, so, therefore, that—if they wanted the child—they wanted to go to that neighborhood school, they should have been able to go to it. But now, that case seems to be used as a precedent for other cases, which aren't exactly the same.

Chairman Flemming. Commissioner Freeman.

Commissioner Freeman. Mrs. Costello, I'm—the—would you tell me something about the membership of the, the racial member—composition of the members of the Concerned Citizens of Roslindale?

Ms. Costello. Racially I would say it was—say, about 90 percent white. We have some Spanish, Indian, but we do not have any black members.

Commissioner Freeman. You don't have any black?

Ms. Costello. No.

Commissioner Freeman. It is, then, an all-white organization?

Ms. Costello. Yes.

Commissioner Freeman. You, I notice, are a substitute teacher. Have you been teaching at any time during this past year?

Ms. Costello. No, not this past year. I might have, but I didn't have anyone to mind my children.

Commissioner Freeman. You have—when you were in school, how did you get to school?

Ms. Costello. When I went to school, we mentioned that earlier, I was bused, voluntarily bused. Freedom of choice.

Commissioner Freeman. You were bused. How far were you bused?

Ms. Costello. Well, I was voluntarily bused to parochial schools.

Commissioner Freeman. How far was this school from your house?

Ms. Costello. From the fifth to the eighth grade, it was about 2 miles. In high school, I went to an academy in Milton and it was probably about 5 or 6 miles.

Commissioner Freeman. Were there were any schools between the academy and where you lived?

Ms. Costello. Yes, there were, but I chose not to go to them.

Commissioner Freeman. But you were bused past schools to go to another school?

Ms. Costello. Yes, I want—because I wanted to go to the other school and I paid to go to the other school.

Commissioner Freeman. So, but you're not able to understand why you could be bused past a school, but that somebody else couldn't be bused?

Ms. Costello. Because I have that choice.

Commissioner Freeman. And this—but the choice is for white people only?

Ms. Costello. No.

Commissioner Freeman. But the organization is white only?

Ms. Costello. Oh, in our group now, yes.

Commissioner Freeman. I have no further questions.

Chairman Flemming. Commissioner Ruiz.

Commissioner Ruiz. Will you identify, for purposes of the record, that handsome gentleman sitting next to you?

Mr. Tobin. My name is—my name is attorney Albert Tobin—

Commissioner Ruiz. Thank you very much; I—

Mr. Tobin. —newly in Boston. Summons at 9 and start at 10. You people are on the ball.

Commissioner Ruiz. Thanks. Thank you.

What do you believe—what do you think of magnet schools?

Ms. Costello. I think magnet schools are fine.

Commissioner Ruiz. Pardon.

Ms. Costello. I have nothing—I think they are fine. I think there should be more of them. I think they should have started them a long time ago.

Commissioner Ruiz. Well, that would require busing, wouldn't it?

Ms. Costello. I would they would put some in Roslindale.

Commissioner Ruiz. That would require busing, wouldn't it? Magnet schools.

Ms. Costello. Voluntary. Freedom. You would have your choice. That would be voluntary.

Commissioner Ruiz. That would be voluntary busing to magnet schools, because you feel they would be better schools?

Ms. Costello. If people felt that was—if they wanted to send their child to that school and they picked that school, that would be fine.

Commissioner Ruiz. Now, if there is no constitutional amendment, do you think that this thing will finally settle down and straighten itself up?

Ms. Costello. Well, I think in time, it will—it will probably have to go outside of Boston, because I think that there's going to be a—right now, I think there is a great white flight in Boston. I know even in Roslindale, there's a number of houses for sale. Even on my own street, I have an empty house. The people moved back to Italy because of the busing.

Commissioner Ruiz. You think that that would be the ultimate of the situation?

Ms. Costello. I'm not saying it's a solution; I'm saying that this is what could happen, and I hate to see it happen, but I think it could happen. I think it's happening.

Right now, it seems to me that the only ones who seem to be staying around Boston are antibusers. All—most of the—a lot of the liberals are even moving.

Chairman Flemming. Commissioner Saltzman.

Commissioner Saltzman. Mrs. Costello, I'd like to commend you and I'm sure the Commissioners would feel this way, because of your interest in the school system. I think with more parental interest, at least from that point of view, we will have ultimately better schools.

Are you saying that you're not against desegregation, it's busing that you're against?

Ms. Costello. I'm not against desegregation. I'm not against busing. I'm against forced busing.

Commissioner Saltzman. Children in the Roslindale School told [USCCR] staff at interviews if parents and adults would leave the kids alone, it would work. Could you comment on that?

Ms. Costello. Well, it's not the parents who are—when there are incidents, it is not the parents who are in the schools fighting. The parents are at home or at work.

Commissioner Saltzman. Why—what do you think accounts for the difference in the character of demonstrations between Roslindale and South Boston?

Ms. Costello. Could you repeat that?

Commissioner Saltzman. Well, in South Boston, there were violent demonstrations. Why were there not such similar demonstrations in Roslindale? Why was Roslindale not involved in violent kinds of demonstrations?

Ms. Costello. Well, I—I really am not an authority on South Boston, but I know that one day when there was a demonstration in South Boston, it was because a boy had been stabbed there. Perhaps that had something to do with it.

Commissioner Saltzman. The educators' children, that is students and parents from the Burke School, told us that they saw an improvement in the schools as a product of the desegregation effort. What is your general view about the impact of the desegregation effort? Will it produce better schools or worse schools?

Ms. Costello. Through proper planning, it could—and financial help from this Government, you know, if we need that, if Boston can't afford it themselves, there could be better schools. There's great room for improvement in the Boston Public Schools. But if they're going to overcrowd the schools and overcrowd the classrooms and the teachers can't control the classrooms, then I don't see how there's going to be any better education.

Commissioner Saltzman. Thank you.

Chairman Flemming. Thank you very much. We appreciate very much your being with us and presenting your point of view and also describing the activities of the organization for which you have provided leadership. Thank you very much.

Counsel will call the next witnesses.

Mr. Alexander. Cheryl Teebagy and Larry Bly.

[Whereupon, Cheryl Teebagy and Larry Bly, Roslindale students, were sworn by Chairman Flemming and testified as follows.]

TESTIMONY OF CHERYL TEEBAGY AND LARRY BLY, ROSLINDALE STUDENTS

Chairman Flemming. Thank you very much. Thank you for being with us.

Mr. Alexander. Would you each state your full name for the record, and what part of the community you live in and what school you've been attending this past year?

Ms. Teebagy. My name is Cheryl Teebagy.

Mr. Alexander. Could you both—you're going to have to move closer to the microphone, so that we can hear you. Okay.

Ms. Teebagy. I'm Cheryl Teebagy. I go to Roslindale High School and I'm a junior.

Mr. Alexander. Do you live in Roslindale?

Ms. Teebagy. Yes, I do.

Mr. Alexander. How long have you lived there?

Ms. Teebagy. Ten years.

Mr. Alexander. Larry Bly.

Mr. Bly. My name is Larry Bly. I'm from Mattapan District and I attend Roslindale High.

Mr. Alexander. We can't hear you.

Chairman Flemming. Just a minute.

Mr. Alexander. Get the mikes up—

Chairman Flemming. They are up. You'll have to get a little closer to the mike, if you will. Thank you very much.

Mr. Bly. My name is Larry Bly. I'm from Mattapan and I attend Roslindale High School.

Mr. Alexander. Okay. How long have you been attending Roslindale High School, Cheryl?

Ms. Teebagy. For 3 years now.

Mr. Alexander. And Larry, where did you go to school the year before this?

Ms. Teebagy. English.

Ms. Alexander. English High School.

Mr. Alexander. Cheryl, what was your feeling when you found that the Roslindale High School was to be desegregated?

Ms. Teebagy. I felt kind of scared as far as hearing that our school was going to be subjected to busing and I never thought I would get to like it as much as I did before busing, but it turned out all right.

Mr. Alexander. What kinds of things happened at the opening of school? What was it like the first day?

Ms. Teebagy. Everybody was tense. There were people on the sidewalks watching us, like, this is a big move, you know, you just felt like everybody was watching you to see what you were going to do and when we got in school, the whole atmosphere was tense.

And we would be in our homerooms and black would be sitting on one side, white would be sitting on the other. We wouldn't talk. And—

Mr. Alexander. Were—were students milling around at all, or did you have a specific place to go when you got into the school?

Ms. Teebagy. No, we were assigned classrooms that we would go to and we just went there.

Mr. Alexander. Were there anybody other than students and teachers in the school? Were there parents inside the school? Were there kids that didn't go to Roslindale inside the school, or was it just the students and the teachers?

Ms. Teebagy. It was just the students and the teachers.

Mr. Alexander. Did you move regularly to your— through your classes that first day? Did you know where you were supposed to go?

Ms. Teebagy. We had a schedule, but not many people knew where the rooms were and so it was kind of confusing.

Mr. Alexander. Larry, what about your feelings when you found that you were going to be transferred to Roslindale High School?

Mr. Bly. Well, I didn't mind, but I thought that it would be good for me, you know, as an experience as getting to know people besides in my own community and the people at English High School. I didn't mind. I was looking forward to it.

Mr. Alexander. Did you receive any communications from the schools before you went there?

Mr. Bly. Only a letter stating that I would be assigned to Roslindale High School for the following year.

Mr. Alexander. Did you have a schedule or anything when you got there?

Mr. Bly. No, I didn't receive the schedule until, I guess about a half an hour after I got there.

Mr. Alexander. What was it like from your point of view the first day?

Mr. Bly. Well—

Mr. Alexander. Did you come by a bus?

Mr. Bly. Well, I thought that the first day was terrifying, because, you know, everyone was upset and, you know, it just wasn't comfortable. No one wanted to be friends; no one wanted to talk, you know, or speak. I just thought the first day was real terrifying.

Mr. Alexander. This—this mostly the students that were terrified and didn't want to speak to each other?

Mr. Bly. Yes.

Mr. Alexander. The teachers seem tense and nervous also?

Mr. Bly. Well, from the classes I went to, they didn't. I didn't attend all my classes on the first day.

Mr. Alexander. Why not?

Mr. Bly. I don't know.

Mr. Alexander. Okay. How did things progress? How did the first week go? What was it like by the end of the first week?

Mr. Bly. Well, by the first week, at the end, it was—wasn't as bad as the first day. Things had begun to settle down, but it could have been a lot better.

Mr. Alexander. What about by the first month?

Mr. Bly. Well, the first month was much better. You know, at least students were associating with each other. And, I guess becoming friends and the teachers had begun to understand the students.

Mr. Alexander. Cheryl, did you become involved in what became known as the Bi-Racial Student Council?

Ms. Teebagy. Yes, I did.

Mr. Alexander. Would you explain to us how you became involved in that organization?

Ms. Teebagy. It was the day of the big fight, when—

Mr. Alexander. When was that? Approximately?

Ms. Teebagy. Well, someone had gotten stabbed; a white boy had gotten stabbed the day before when the white kids weren't going to school and he just happened to go to school and he just got stabbed in the arm. And the white kids, they were really angry and they got groups that weren't attending the school, that were outside of school, like gangs, and they just had a mad rush, like a hundred kids.

When the buses pulled up and everybody started getting off the buses, the white kids just, you know, they just ran. And a lot of kids stayed outside of school, but some of the kids were inside. And they had the white kids up in the assembly hall and the black kids down in the cafeteria, I think.

And they got six white kids. First, they had volunteers who wanted, you know, to talk to the black kids. And they had about 12. And out of the 12, we had—we had voted, you know, who wanted—who the students wanted. And I was one of the six.

And then we went to the library and—and among the white kids, we talked for a little while and we—everybody was angry and they let out a lot of aggravation and, you know, hostility inside them. And we didn't—we didn't meet the black kids right away 'cause, I don't know, we were just talking with some faculty members and some other people and—

Mr. Alexander. Who were—who were the other people? Were these YAC workers at that time?

Ms. Teebagy. Yes.

Mr. Alexander. Youth activities commission?

Ms. Teebagy. Yes. They worked with us from the beginning till the middle of the year.

Mr. Alexander. Larry, what was your reaction to that incident? The stabbing and the—what Cheryl just described about the black students being in the cafeteria and the white students being upstairs.

Mr. Bly. Well, I didn't have any reaction to the stabbing, because that wasn't any of my concern, but to what happened afterwards as they reacted in school, I thought that was terrible, because it—I thought that the stabbing was just all a mishap.

Mr. Alexander. What—where did the—who did the black students have to talk to in the school to explain their frustrations and fears?

Mr. Bly. Well, until Charlie Titus and a few more of the Lena Park people came, we only had Mr. Burgess and the YAC workers to talk to.

Mr. Alexander. Did you feel it was important when the Lena Park personnel came into the school, to have them available to talk to and to deal with when incidents occurred?

Mr. Bly. Yes, I did, because we all knew the people from the Lena Park. They was from the community and we felt more so that we could trust them because we knew them.

Mr. Alexander. Cheryl, how did the biracial council start functioning after this incident? When did the black and white students get together?

Ms. Teebagy. It took us about, about 2 weeks to finally meet. And it was—it was nice in a way, how it ended up, but it was, it was really hard on you and you know, you get very sensitive to the situation when seeing, you know, six whites and six blacks.

When we were first meeting, we'd go back and forth, like name calling and things like that, but then, after a couple of hours, we realized that that wasn't it. You know, that's not going to help anything. We, we didn't want to see anybody get hurt and we started working on things from there.

Mr. Alexander. Did you become a member of the biracial student council, also?

Mr. Bly. Well, I wasn't a member. I just sat in on the discussions and—see what they had to say.

Mr. Alexander. Did you find this a difficult period, also, until the students began talking to each other?

Mr. Bly. Yes.

Mr. Alexander. How would you characterize the rest of the school year? What—how—what has happened after the students began talking to each other, at least this small group of students?

Mr. Bly. Well, after that, after the biracial committee went into effect, some people felt that it didn't do any good, but I did, because of, it—it brought some of the white students and the black students together. They started to talk.

The rest of the year afterwards went fine except for a few little hassles, little fights took place.

Mr. Alexander. Cheryl, what's your view?

Ms. Teebagy. I—I thought it worked out pretty good. We tried and that's setting an example for the rest of the school, but we had subcommittees under us that we had students, black and white, working together doing different things and from this, they got to know each other and it was good, people working together.

Mr. Alexander. We, we haven't mentioned yet the headmaster of the school. What kind of role do you believe that Mr. Burgess played in Roslindale School this year?

Ms. Teebagy. I think if we didn't have Mr. Burgess in the school that there would have been a lot more problems than there was now, because he—his door is open to you any time of the day, to anybody. And if you have a problem of someone's bothering you, you just go to him, or if you want to do something for the school, paint the bathrooms, anything, he, he'll—he's for it.

Mr. Alexander. Larry, what's your view of the headmaster?

Mr. Bly. I believe Cheryl has said it all.

Mr. Alexander. Are you both going back to Roslindale next year?

Mr. Bly. I intend to.

Ms. Teebagy. I intend to, too.

Mr. Alexander. It was asked earlier about what role you think parents play in this situation, what students generally think of the parents being outside of the school or being inside of the school. What do you think is the appropriate role for the parents as the schools move more into school desegregation?

Ms. Teebagy. I think if the parents let the students alone and the whole school, the headmaster, the teachers, then everything would have been less confusing at the beginning of the year, because with the parents outside and some inside the school wanting to get their kids out, that just added to the confusion, 'cause they don't know what's going inside the school. We're the ones that have to go to school.

Mr. Alexander. If you saw your parents outside of school, what would you say to them today?

Ms. Teebagy. Tell them to go home.

Mr. Alexander. I have no further questions at this time.

Chairman Flemming. Commissioner Freeman.

Commissioner Freeman. I have no questions.

Chairman Flemming. Commissioner Rankin.

Commissioner Rankin. Were there many dropouts from your school during the year? Cheryl?

Ms. Teebagy. I don't really know.

Commissioner Rankin. You don't know?

Ms. Teebagy. No.

Commissioner Rankin. Do you, Larry?

Mr. Bly. I believe there were.

Commissioner Rankin. Were there more blacks than whites that dropped out?

Mr. Bly. I do believe so.

Commissioner Rankin. You think so?

Mr. Bly. Yes.

Commissioner Rankin. But it had nothing to do with race, particularly.

Mr. Bly. I think it did.

Commissioner Rankin. You think—

Mr. Bly. The people that left, I believe leave— left either the first month or the first 2 weeks of the school year.

Commissioner Rankin. If you had to compare the last month of the school year with the first month, how would the incidents number?

Mr. Bly. Well, the last month, I don't believe there was any incident. There's—I don't think there can be any comparison, that first month to the last month.

Commissioner Rankin. So much better?

Mr. Bly. Yes.

Commissioner Rankin. Next year, if you're permitted, without outside interference, to get started, you think you will not have incidents, is that correct or not?

Mr. Bly. I don't think we would have any incidents.

Commissioner Rankin. One other question and I'm through. Discipline in the classroom, did you notice a lack of discipline in the classroom?

Mr. Bly. No, I didn't.

Commissioner Rankin. Did you, Cheryl, or not?

Ms. Teebagy. At the beginning of the year, it was—it wasn't that bad, but they needed more, but as, as the year went on, like now, it's all right.

Commissioner Rankin. Well, what about discipline in the halls and out on the school grounds? Did you need stronger discipline there, or was it adequate?

Ms. Teebagy. No, it was adequate.

Commissioner Rankin. Do you think so, Larry?

Mr. Bly. No, I don't think the discipline in the halls nor outside the school was that adequate. It could have been much more, because in the halls is where most of the incidents took place, the fighting and, you know, the little pushes, the scuffles took place. Outside the school is where the crowds just stand on the corner and they would ask them to leave, but I didn't see him be—you know, you didn't have to be physically forced to leave, but I thought they should have left. I don't think they—it was that adequate.

Commissioner Rankin. What would you recommend that should be done to remedy this situation.

Mr. Bly. I don't have any recommendations.

Commissioner Rankin. Do you have any, Cheryl, to get rid of trouble in the halls or on the school ground? Is there anything that can be done to—

Ms. Teebagy. Well, outside of school, people do stand outside in groups and it does look kind of frightening if you're, you know, new to the neighborhood and you don't know these people. But most of all, kids just standing around, they don't do nothing but—that lead to, like a fight or something, and I think if the police would just tell them to move, like down on into the street instead of in front of the school, everything would be all right.

Commissioner Rankin. Well, I appreciate your statement that if you're left alone, you can solve your difficulties. I sure hope you can.

Ms. Teebagy. Thank you.

Chairman Flemming. Commissioner Saltzman.

Commissioner Saltzman. I'd like to ask both of you, Cheryl and Larry, do you feel the future of America requires a desegregated society?

Ms. Teebagy. Yes, I do.

Mr. Bly. Yes.

Commissioner Saltzman. What was the attitude of faculty? Do you think that was sufficiently—their attitude was sufficiently positive to enhance and be supportive of the biracial situation in Roslindale?

Mr. Bly. Well, I feel that the only support that we really had came from Mr. Burgess. And the teachers didn't really bother, bothered to get involved in the biracial committee and—

Commissioner Saltzman. Were there any—were there any slurs, racial slurs from the faculty?

Mr. Bly. No, not that I can say, not that I know of.

Commissioner Saltzman. Cheryl?

Ms. Teebagy. No.

Commissioner Saltzman. And—but they were not really involved?

Ms. Teebagy. No.

Commissioner Saltzman. Is it accurate to say that in general, black parents were more cooperative with Phase I than white parents?

Mr. Bly. Well, I can't really say that. I can only speak for myself. I know that my parents were.

Commissioner Saltzman. Cheryl, would you?

Ms. Teebagy. My parents went along with it. All they said is, "If there's trouble, if you feel that you're gonna get hurt, just leave," and they didn't interfere with me going to school at all.

Commissioner Saltzman. What do you think about the role of the police?

MR. BLY. I guess it all depends on how you look at it, on whether you're black or white. I believe the white students had—it didn't take long for them to gain a friendship, you know, with the police officers, because I do believe the police officers were from that community.

COMMISSIONER SALTZMAN. Was there any problem like racial slurs from the police, or were they really helpful when keeping the peace and conveying to the black students a feeling of protection?

MR. BLY. Well, there wasn't any racial slurs, but, well, when there were walkouts and Mr. Burgess thought that the police officers should be called inside the building, at the time when they came into the building, only the black students were in the building, so, therefore, if we was in the corridors and not in classes and we were kind of leaned on and I don't think you would call that, at least I don't, call that adequate protection.

COMMISSIONER SALTZMAN. How about you, Cheryl, what do you think of the role of the police? Was it a positive, helpful one or negative?

MS. TEEBAGY. I think it was negative.

COMMISSIONER SALTZMAN. In what sense?

MS. TEEBAGY. In the police were there every morning and the—many white kids were there before the buses even arrived. And it's like, they were like your friends and they'd tell you to go in school and what to do and they were only, like, adding—you know, they were saying—they said things like, "Well, why don't you go in show them whose school it is?" Like, they'd provoke us, you know. And they shouldn't even have said that.

COMMISSIONER SALTZMAN. The police were provoking the white students.

MS. TEEBAGY. Yes, they—they'd say things like that, you know, kids would laugh and some kid would say, "Yes, you're right." You know, they'd talk to you like they're your buddies standing on the corner. Some of them, not all of them, though.

COMMISSIONER SALTZMAN. One final question.

Would you like to see Phase I work successfully and peacefully—Phase II work successfully and peacefully?

MS. TEEBAGY. Yes.

COMMISSIONER SALTZMAN. How do you think the students can advance that goal?

MS. TEEBAGY. Well, in Phase II next year, at the beginning, instead of going through everything that we've been through this year, getting to school and start getting into activities and planning things for your school that the students can do together. I think that would be good.

COMMISSIONER SALTZMAN. Larry?

MR. BLY. Well, I think that the students, once they get to school next year, they should try and work with the staff, not just Roslindale, but all schools, and try to get some kind of social club, you know, where the students can have to get to know one another. I believe that would really help.

Commissioner Saltzman. Thank you.

Chairman Flemming. Commissioner Ruiz.

Commissioner Ruiz. Mr. Bly, is there still a small group of students looking for trouble?

Mr. Bly. I don't know exactly, but personally, I feel there is, because—well, the students that would like to be friends, I know for a fact, you know, their friends say to them, "Well, why would you want to be friends with a black guy," or so forth. So, there are, there's—there's very few, but there are a group looking for trouble now.

Commissioner Ruiz. Has there been any effort upon the part of other students to reach this small core of students?

Mr. Bly. I don't know.

Commissioner Ruiz. What is your answer to it?

Ms. Teebagy. With the biracial committee, we pointed out the group of students on both sides who were looking for trouble and we had people that could talk and try to reach them, but you just couldn't, so—

Commissioner Ruiz. Cheryl, do you believe that this small group is expressing its own independent feelings, or reflecting the feelings of its parents?

Ms. Teebagy. Yes, I do.

Commissioner Ruiz. Pardon.

Ms. Teebagy. Yes, I do.

Commissioner Ruiz. Which one of the two, reflecting the feeling of its parents, or—

Chairman Flemming. That was the response.

Commissioner Ruiz. "Yes, I do."

Thank you.

Chairman Flemming. Commissioner Horn.

Commissioner Horn. Cheryl, in reply to a question from Counsel, Larry said that he only knew of his school assignment and he didn't have his schedule until after he arrived at the school. Did you have a schedule before you arrived at the school?

Ms. Teebagy. No, I didn't. We got them when we were in our homerooms, but I don't—I—I think when they sent the things in the mail telling you what school you go to, I believe that I had my homeroom on it. I'm not sure. I can't—

Commissioner Horn. But you didn't have your program as to where you'd be going?

Ms. Teebagy. No, no.

Commissioner Horn. So, all students were in the same situation on that score.

Do you think there could have been—well, I take it didn't get any notice, or any statement of philosophy as to the new conditions under which the school would operate and advice to the students as to behavior, or any advance planning ahead of time?

Ms. Teebagy. No.

Commissioner Horn. Do you feel it would have been a good idea to have such statements going to all students, it would have been helpful?

Ms. Teebagy. It would have gave them something else to think about.

Commissioner Horn. Well, would that have been constructive in terms of reducing tension in the opening days of the school?

Ms. Teebagy. I don't think at first it would have, because everybody was just too scared.

Commissioner Horn. Do you think some of the things you learned this year through your biracial council could have been applied earlier in the school year and might be applied the beginning of this school year to help relieve some of these tensions?

Ms. Teebagy. Yes.

Commissioner Horn. What are some of those things?

Ms. Teebagy. If you could form a group for going into Phase II of black and white students and if they could just work on things from the beginnning of the year and like, speak in front of an assembly or something, I think that would be good.

Commissioner Horn. You've been there 3 years now?

Ms. Teebagy. Two.

Commissioner Horn. Two.

In the year 1973–74, was there less or more violence in the school than there was last year? Did you have problems of discipline and violence the year before Phase I when you were there?

Ms. Teebagy. Well, there were some fights, but not many.

Commissioner Horn. And those fights were essentially between white students, were they?

Ms. Teebagy. Yes.

Commissioner Horn. Would you say the fights that occured in 1974–75 occurred between the newcomers to the school, or the oldtimers that were already there with you the year before, or was it a mixture of the two?

Ms. Teebagy. Mostly with the newcomers.

Commissioner Horn. Fighting with the oldtimers, or just fighting with each other?

Ms. Teebagy. Well, they would fight—they were fighting with each other and with the other kinds that have been there.

Commissioner Horn. Thank you.

Chairman Flemming. May I express to both of you my admiration for the mature way in which you dealt with some very difficult situations, and I notice that both of you are emphasizing involvement on the part of students in projects.

What do you feel were the most significant projects that students were involved in last year and as you look forward to the coming year, both of you intending to return, what kind of projects do you feel would be very helpful in terms of keeping attention focused on positive matters?

Mr. Bly. Well, I think there should be involvement in really getting to know one another. It would make the year a lot better.

Chairman Flemming. All right.

If I could just follow on that: Do specific projects get involved in something that is beneficial to the school or beneficial to the community; does that kind of involvement help get to know one another?

Mr. Bly. I don't know.

Chairman Flemming. You haven't had that experience?

Mr. Bly. Right.

Chairman Flemming. Okay.

Ms. Teebagy. We were planning black and white students together to work around the school, like get the writings off the walls, paint the outside of the school, the doors. And both sides, black and white, they were really anxious to do it, but towards the end of the year not many people were showing up and coming to school, so that is one of our plans for next year.

Chairman Flemming. All right.

Well, I would like to express on behalf of the Commission the appreciation of all of us for your coming and presenting this testimony, and again for the kind of approach that both of you as leaders are taking to this issue.

Thank you very much.

Ms. Teebagy. Thank you.

Chairman Flemming. Counsel will call the next witnesses.

Mr. Alexander. Helen Moran, Donald Burgess, Charles Titus, Paul Roche.

[Whereupon, Helen Moran, Donald Burgess, Charles Titus, and Paul Roche were sworn by Chairman Flemming.]

TESTIMONY OF HELEN MORAN, FORMER HEADMASTER AND CURRENT AREA SUPERINTENDENT; DONALD BURGESS, ACTING HEADMASTER; CHARLES TITUS, ASSOCIATE DIRECTOR; LENA PARK, COMMUNITY DEVELOPMENT CENTER; AND PAUL ROCHE, MANAGER, ROSLINDALE LITTLE CITY HALL

Chairman Flemming. Thank you. We appreciate your being with us.

Mr. Alexander. Starting with Area Superintendent Moran, would each of you identify yourself and your position, for the record?

Ms. Moran. I am Helen Moran, assistant superintendent, Area Five.

Mr. Titus. Charles Titus, associate director of Lena Park Community Center.

Mr. Roche. Paul Roche, manager of the Roslindale little city hall.

Mr. Burgess. Acting headmaster, Roslindale High School.

Mr. Alexander. Ms. Moran, you need to pull your microphone up slightly, so you can be heard better.

Ms. Moran. Thank you.

Mr. Alexander. Starting with you, could you describe for us briefly your background in the Boston school system, what positions you have held?

Ms. Moran. This—

Chairman Flemming. If I may interrupt just a minute. Counsel, one member of the Commission would like to have you or one of the witnesses, identify Roslindale on the map that you have here in front of us.

Mr. Alexander. [Indicating.]

Chairman Flemming. Thank you very much.

Ms. Moran. Back to the question?

Mr. Alexander. Back to the question.

Ms. Moran. Since September 1, I have been the area superintendent for Area Five. Prior to that for 10 years, I served as headmaster of Boston public schools, 3 of which were at Roslindale High.

Prior to that, for an 8-year period, I was director of distribute education for the Boston Public Schools, and prior to that, in the classroom.

Mr. Alexander. Fine.

Focusing on your experience as headmaster at Roslindale High, what size school was Roslindale High in the '73–74 year?

Ms. Moran. We were a school—we had a school membership of over 1,500, which necessitated the elongation of the school day from a structured seven-period day to an eight. This, administratively, meant that the administrators of the school were inhouse from a quarter of 8 until 2:30.

The student body, however, membership of the body, followed a seven-period day, that had been stretched out over this eight-period schedule, in order to accommodate 1,500 in a building that was designed, really, for 800.

Mr. Alexander. What was the racial composition of the student body in the '73–74 school year?

Ms. Moran. Approximately a 9 percent minority.

Mr. Alexander. Would that minority be exclusively black, or include other groups?

Ms. Moran. Seven percent, I would say would be black, the remaining 2 percent Oriental and Spanish.

Mr. Alexander. What was your reaction and the students' reaction when they learned that Roslindale High School was to be desegregated under Phase I?

Ms. Moran. Well, this was an anticipated type of situation. And a great deal of planning had to be put into effect.

Number one, we could not continue with a student body enrollment such as we had. We also had the fact that the supportive services of our Home and School Association and the staff were concerned with, should Phase I be a reality, how we could best service the students and how the community could best service the students who would be coming to Roslindale High.

Mr. Alexander. What were the specific planning steps that you took? For example, what did you do with your Home and School Association? Did you use it and contact other Home and School Associations? Exactly what did you do?

Ms. Moran. Well, somewhere in the period after the first of the year, in talking with the faculty center and with the members of the faculty, the feeling was that if we could work out inhouse an arrangement whereby staff members under the aegis of the heads of departments, would be willing to take over classes and teach the classes of fellow members, then it would be possible for us to send teams of teachers into other schools in the Boston system where desegregation—where changes had taken place.

Mr. Alexander. Was that, in fact, done?

Ms. Moran. Yes, it was.

Mr. Alexander. To what extent? How many teachers participated?

Ms. Moran. All departments sent a representation from, I would say probably March to the close of the school year, averaging probably two faculty members out per day, with the understanding that they would talk with the instructors in other schools, that they would examine the curriculum of other schools, that they would sit down—if they were faculty center members—that they would sit down with the faculty center.

Students were also involved in this type of thing, the members of the student council. The Home and School was asked if they would participate, which they did.

And they were asked to visit their counterparts in other parts of the city.

Mr. Alexander. How many—are we now referring to the feeder schools that would be providing the students that would now come to Roslindale? Did they visit those feeder schools?

Ms. Moran. We did not know the feeder school pattern until April. Some time in the April, mid-April, I would say, we received the first printout of the students to be assigned to Roslindale High.

One of our requests had been honored, that the student body would be reduced in size, and the first printouts, I think, showed somewhere a projected enrollment under 1,300.

The breakdown of that first printout indicated to us that we were going to receive students from approximately 30 feeder schools, of which one and only one had been one of the two from which we had been receiving students.

The numbers coming to us varied from a few to hundreds, and with this information, and with the faculty given the breakdown sheet as to what this reflected, the faculty teams, guidance and data processing people began to look at this situation from the point of view of how to reach these students, how to tell them about the programs that were at Roslindale and to that point, one of the teams, one of the many teams that was set up at the time, was a curriculum guide team, and they wrote curriculum guide materials so that when the guidance star members and when the data processing members went out to the schools, they had with them a welcome note, a copy of the course curriculum, elective sheets.

And wherever possible, they sat down with the then-intended Roslindale High enrollees and tried to explain what the course offerings were, what the variables were, what could be done, and how the services of the school, the clubs, and the activities that were at Roslindale could be made available to them.

MR. ALEXANDER. Was any specific effort made to contact parents or students themselves, before the start of school?

MS. MORAN. The Home and School Association extended invitations to the parents of the feeder school groups and asked them to meet with them. They also made it known to the Home and School Association that they were available by phone and they extended an invitation to visit the school.

We had invitations that went out to the students to come and visit with us if they so chose.

MR. ALEXANDER. Was there any emphasis put on teacher training in preparation for the Phase I desegregation?

MS. MORAN. Yes. Each head of department assumed the responsibility of evaluating existing curriculum and together with staff members within each department, reviewed existing curriculum, considered changes.

Indeed, as a result of the reports back to the entire faculty, each team was responsible for so reporting, there were some suggested changes.

One of the pleasant experiences we had was of bringing to the attention of the entire faculty and the student body, student council, the fact that Mrs. Cash, Dorothy Cash, was having an excellent human relations program and it seemed advisable and very worthwhile that all of our staff, or as many staff members as could, avail themselves of the course, of the class participation and students.

MR. ALEXANDER. This would be on a voluntary basis?

MS. MORAN. Yes, that is true.

MR. ALEXANDER. And the members were eventually paid for this training that they took?

MS. MORAN. That was a—yes, they were.

MR. ALEXANDER. In relation to safety matters at the school, did you coordinate through the neighborhood city hall, or with local law enforcement officials, safety plans for the opening days of school?

MS. MORAN. We had an ongoing safety committee, as all schools do, and one of the teams going out into the schools were the members of this safety team. They went on a separate visitation program and examined what was considered a safety program for inhouse, as well as street safety procedures, and emergency safety procedures, and evaluated what they saw in the light of what they had in existence at Roslindale.

And then in conjunction with the local police department and the fire department chiefs, and various personnel, and with Paul Roche and other members of little city hall, we had a series of sessions. Some were independent of—and were already structured by us and had been considered from many points of view; other were supplementary. And through the medium of Paul and others and Charlie Titus, we had the awareness of a marvelous network of supportive services. And this, I think, was one of the pluses of the preplanning period.

Mr. Alexander. Could you tell us what the specific opening date plans were, what would a student have to show that he or show belonged at Roslindale High School? Where would they go? Did they have program cards available to them, etc.?

Ms. Moran. Well, the mechanics of opening day, somewhat on the order of mobilization day, I think, to a certain extent, in any school under any circumstance—

The situation as we realized it as the months moved on into the spring and in June when we were reaching that point of total preparation for the opening day, we gathered together materials that affected, not only the students, but the faculty—the teams by that time had produced a faculty handbook, which contained all sorts of policies and procedures—which had been in varying forms in past years, but now represented a handbook of information.

The student—another team had developed a student handbook and this had gone to the press.

The mechanics of getting ready involved, among other things, the security of admitting to the school on opening day, the students registered and none others, and to that point, we developed a pass, a duplicate pass type of thing, with the seal imprint so it would be rather difficult to duplicate, in anticipation that should no separate bus pass be developed, that this would serve as a boarding pass, and, also, it would serve as admission to the school.

Because of the narrow access streets to Roslindale High, there was a grave concern as to how the buses could maneuver the streets and maneuver with ease, particularly in competition with any other traffic. One of the things I had wanted was the closing off of the square to the school from the Poplar Street end. However, I did succeed in having the point of delivery changed, the buses would not be, as originally thought out by others, to the rear of the building.

I preferred, and it seemed the consensus of opinion of all staff members, that we would roll the buses around to the front section and to an area where we would have maximum security, should the weather to be unpleasant, to allow us to bring the students into the building, and still afford them shelter and allow us to accept their passes and check their admission.

This proved to be the best solution to the situation.

The material that went home in this envelope that contained the pass was a welcome booklet explaining some of the things that were indigenous to Roslindale High: the clubs, their schedule, the bell schedule, certain fundamental rules and regulations, the lunch schedule, information concerning teachers, that is identification, and things of that sort.

The opening day, once the students arrived, they would be directed under the leadership of the cheer leaders who were asked to serve as escorts to the new people, so that they would not be lost. Although their pass indicated a room destination, many of the youngsters coming into the building were new to the school.

We were retaining one-half of our junior class and one-half of our senior cass, but we were not—all others were new to the school.

Mr. Alexander. Mr. Burgess, when did you become acting headmaster in Roslindale?

Mr. Burgess. I became acting headmaster of Roslindale on the Wednesday following Labor Day.

Mr. Alexander. Which was how many days before school was to open?

Mr. Burgess. Eight days.

Mr. Alexander. Eight days.

And when you came there, you, in a sense, had a plan of operation already in existence? Is that correct?

Mr. Burgess. That is correct.

Mr. Alexander. How did that plan, in fact, work out on opening day?

Mr. Burgess. Very, very well. The staff members from Roslindale High School had the plan. They made the plan in conjunction with Miss Moran, and we set it up and entered all students through the one door, with a pass. We saw no parents until the close of school that day, so no new students were admitted until after school that day. And for the next 2 or 3 days, we operated on different colored passes through the one door.

Mr. Alexander. Was it the general rule in the opening of school that no one other than students and teachers and administrators were to be allowed in the school?

Mr. Burgess. That would be strictly a guess on my part. I wasn't there the year before.

Mr. Alexander. No, I mean the opening days of this year.

Mr. Burgess. The opening days of this year, I saw parents after 2 o'clock for the first week. From then on, I saw parents whenever they came to the school.

Mr. Alexander. Was anyone else allowed in the school? Were members of the media allowed in the school, the opening of school this year?

Mr. Burgess. Members of the media were allowed in without cameras, without TV cameras, without pads of paper in their hands. They could walk through the building, but I am little bit hesitant to allow reporters openly to write down notes from students and also to take pictures.

I think you generate action from the students with this kind of thing.

Mr. Alexander. How would you characterize the opening day situation? Were things fairly tense? Did they run smoothly? What was your view?

MR. BURGESS. I think that the opening day ran far better than we expected, but to say that things were not tense would be untrue. Yes, they were.

MR. ALEXANDER. What specific steps did you take in the opening of school and the months following there, to focus on the tension that the students were feeling or the kinds of steps that were necessary?

MR. BURGESS. While the—specifically, we followed pretty much the setup that Miss Moran had planned for the opening day of school. I feel very strongly that the youngsters in the school building have to be able to talk to someone if they have a problem.

And therefore, I felt that I should be made available to the youngsters. I asked my staff members to do one thing, and that is teach when the youngsters come to their classroom, and they did. And I think that is a key factor.

MR. ALEXANDER. Did you utilize any particular community services throughout the school year?

MR. BURGESS. For the first 1 or 2 months, I was in constant communication with little city hall. After school, Paul Roche and other members from little city hall were out on the street with me.

Lena Park Community Association, community center, came up, introduced themselves, and it turns out that Mr. Titus was a former football player of mine years ago, so that our relationship had been long established. And I leaned very heavily on Lena Park.

The Home and School Association was in the building assisting me for the first 3 days of the opening of school, directing students to where their classes were, and have supported me all year long.

I think this has been a key factor. I have had support from all organization of—all communities connected with Roslindale High, and without their assistance, you wouldn't be able to exist.

MR. ALEXANDER. What role do you believe that student discipline has played this last year, and what are your views on that issue?

MR. BURGESS. Well, we run a very tight school. We believe very strongly that there is no one in the corridors without a pass from a teacher, heading in some specific area. We have been limited in our operation of discipline because of lack of staff. The staff at Roslindale High school, in numbers, is extremely tight.

I have—I was able to take one particular man out of the classroom and appoint him as my administrative assistant, and he has handled 90 percent of the discipline procedures and done an excellent job.

MR. ALEXANDER. How many students eventually came to Roslindale High School this past year, and what was the approximate racial makeup of that group?

MR. BURGESS. The original list that I went in with had 1,250-and-some-odd names on it. We increased to about 1,450 at one time. As of the close of school, we will be down to about 1,200 students.

MR. ALEXANDER. And what would be the racial makeup?

MR. BURGESS. About 70–30. Thirty percent black, 70 percent white.

Mr. Alexander. Is that in the range that was projected under Phase I?

Mr. Burgess. Yes, it is.

Mr. Alexander. What would you characterize as the most important role that you played throughout the school year?

Mr. Burgess. If anything, it has been to make the youngsters feel that regardless of their opinions on the busing issue that unfortunately we have to live, or fortunately, with the direction of the Federal court.

And I use a statement that the youngsters must coexist. We will let the Christian ethic of love come later. And I think the youngsters, for the most part, have gone along with this.

Mr. Alexander. In curriculum, has this been reflected? Were there curriculum changes this year, perhaps focusing on the history of race relations in this country, and what segregation has been historically in the United States, Boston in particular?

Mr. Burgess. Other than particular units that might have been taken up in U.S. history classes or civics classes, no.

Next year, we do plan on having an ethnic studies course, which will have units, many units throughout the year, taking up Indian, Mexican, and black and so forth, all contributions to the United States.

Mr. Alexander. Mr. Titus, could you briefly describe your responsibilities with the Lena Park organization?

Mr. Titus. I am the youth administrator at the Lena Park organization.

Mr. Alexander. Do many of the black students that now go to Roslindale High School, come to the Lena Park Center normally, as a part of their neighborhood?

Mr. Titus. A large majority of them do.

Mr. Alexander. Would you explain to us from your perspective, what your role and that of the other Lena Park workers has been within the school this past year?

Mr. Titus. It is primarily of assistance, assistance to the students, support to the students, and assistance to the administration.

Mr. Alexander. Could you be specific. What kind of support can you provide to the administration in a school?

Mr. Titus. For the administration, just in terms of dealing with—helping to deal with some of the black youngsters who were in a situation that was new to them and certainly somewhat hostile in the beginning, anyway, and it took time for the students to get to know Mr. Burgess, the principal, to be able to deal with the situation in the school.

We tried to provide them with some coping skills, some leadership.

Mr. Alexander. Did this involve training at all, or sessions held at Lena Park itself?

Mr. Titus. It involved training at the school. We did some training and had some sessions before the school opened in September.

Mr. Alexander. What—has your role in the school been an ongoing one throughout the school year?

MR. TITUS. Yes, it has. When we initially spoke with Mr. Burgess, the headmaster there, we approached him in a way, to get him to understand that we were not attempting to come in and run the school, or try and tell him how to do it, or anything like that, only that we would like to assist him in any way that he saw fit.

As he said, I first met Mr. Burgess when I was in high school, Boston Public Schools. He was my football coach. And we have had a good relationship since then.

MR. ALEXANDER. Where would the Lena Park workers be stationed in the school. Are they in classrooms, or in the halls, or outside of the school?

MR. TITUS. When times were really rough, they were outside the school when the buses pulled in and when the buses were preparing to leave in the afternoon.

There were times when workers were stationed in the cafeteria. We tried not to have a high profile with them in the school.

MR. ALEXANDER. Did you wear any kind of identifiable jackets, or anything like that?

MR. TITUS. No. Most of the kids could identify me easy enough. And they knew the rest of the workers.

MR. ALEXANDER. Mr. Roche, what are the responsibilities of the little city hall manager?

MR. ROCHE. They are broad and varied. We do everything from helping citizens with tax abatements and municipal bill problems, to working on planning issues in the neighborhood, construction of elderly housing.

We do voter registration, any number of things.

MR. ALEXANDER. How long have you been in your position with the little city hall?

MR. ROCHE. About 2-1/2 years.

MR. ALEXANDER. Are you a resident of the Roslindale community?

MR. ROCHE. Yes, I am.

MR. ALEXANDER. You have children in the schools there?

MR. ROCHE. No, they are too young.

MR. ALEXANDER. Too young?

MR. ROCHE. Not yet.

MR. ALEXANDER. What was your specific role in relation to Phase I?

MR. ROCHE. We—I am sure you know about the neighborhood safety teams that were set up in most of the neighborhoods.

MR. ALEXANDER. How did they operate in your neighborhood?

MR. ROCHE. We did a—

MR. ALEXANDER. It has been suggested that they operated somewhat differently, depending on each community's needs.

MR. ROCHE. We have a safety team that consisted of Roslindale and West Roxbury, there being no high school in West Roxbury at that time.

The little city hall managers are in a sort of a unique position, in that they represent their whole neighborhood. Their broad-based constituency.

Roslindale, having no political representation, as such, the people kind of gravitate toward the little city as being the only focal point they have.

We saw ourselves—for ourselves, a unique opportunity to channel some interest in a positive way toward a peaceful opening of school, so we set up this team, including members of the school department, the fire department, the police department, the youth activities commission, some parents, and ourselves, to plan on things like possibly changing a bus route where it was inappropriate, or moving a bus stop.

As Miss Moran said, the discharge point and the pickup point, moving it to the front of the school, specific things like that, which we felt would help the opening of school be more smooth.

MR. ALEXANDER. Was the Lena Park group part of your planning team?

MR. ROCHE. I don't know. I don't think so. No, they weren't.

MR. ALEXANDER. Were there any analogous organizations from Roslindale, as part of your planning team, privately funded—

MR. ROCHE. No.

MR. ALEXANDER. Are there such organizations in Roslindale?

MR. ROCHE. None that I know of, no.

MR. ALEXANDER. Who fulfilled that kind of function of working with the white youth in Roslindale?

MR. ROCHE. The youth activities commission is the vehicle that we worked through. There are youth advocates stationed in the schools, and whatever work that was done with the kids from our perspective, was done by the youth activities commission.

MR. ALEXANDER. And the YAC workers were part of your team?

MR. ROCHE. Yes.

MR. ALEXANDER. What are the plans now for Phase II? You coordinated the Phase I operation. Do you have a team operating now for Phase II?

MR. ROCHE. No, we don't.

MR. ALEXANDER. Why not?

MR. ROCHE. Well, the way I view it is that the judge's plan, Phase II, has built into it certain a—the citywide community and the various subcommittees of that and I expect that the little city halls be working with those committees.

MR. ALEXANDER. Have you attempted to contact anyone on the CCC?

MR. ROCHE. No, I haven't.

MR. ALEXANDER. Do you still talk to the police about staging areas for next year?

MR. ROCHE. No, not yet.

MR. ALEXANDER. Have you talked to Mr. Burgess about his plans for next year?

MR. ROCHE. No, we are not even through this year, yet.

You know, we are still having problems in the schools now.

MR. ALEXANDER. Mr. Burgess, what would your suggestions be for next year? What are the lessons that have been learned?

MR. BURGESS. Well, my suggestions for next year, number one, I have written to the Federal Court requesting that in those district high schools that are not magnet schools, that the youngsters that are presently there be allowed to remain there, not just at the 11th grade moving into the 12th grade level, but at all grade levels.

This would give some stability to the schools, they know the style the school operates in, they know the faculty, they know the administration, and we would not run into the problem citywide, that we ran into this year.

In my particular school, 75 percent of the students new, the Washington Irving Middle School in Roslindale, 90 percent the students brand new to the school.

Hopefully,that will be allowed. We are waiting now, on June 27, when we get our list of students at that time. At that time we will start a mail-out to the students, those students who have not signed up for a program yet. We are going to request that they come in, make out a program card this summer. We are going to send out literature on Roslindale High School to them, and pretty much follow the admittance procedure for next year that was successful this year.

MR. ALEXANDER. Is there anything within the administration of the school—you mentioned before that you were somewhat overcrowded and that you did not have a sufficient number of staff, and you detailed an individual—what are the student behavior problems?

MR. BURGESS. One of the problems, and we have discussed this in the headmasters association in the city of Boston, has been that—and to use another headmaster's term—we spend all day long social engineering and doing very little educational administration.

I have requested through the vote of the headmasters association that there be a two-team setup within every high school, one team to handle what we might call quality education, and the second team to handle administrative control.

MR. ALEXANDER. Would you describe how that would operate?

MR. BURGESS. Yes. It would operate—under the headmaster there would be—one an administrative assistant, and another assistant headmaster, which is presently a position now in the Boston schools.

Under that assistant headmaster, there are heads of departments. Those people would be primarily concerned with the quality of education, that is the curriculum and the teaching that is going on in the classroom.

The second team would be one that would probably have to be chosen within the school from staff that is there. And they would be concerned primarily with dealing with the problems of the day, promoting school dances, promoting activities that will ease the tensions within the school, and at the same time, handle the discipline problems of the school.

Mr. Alexander. Is this a written plan at this time?

Mr. Burgess. Yes, sir, it is.

Mr. Alexander. Could you—we have it for the record, please?

Mr. Burgess. Yes, sir.

Mr. Alexander. Mr. Chairman, I would like this submitted as an exhibit with the next sequential number.

Chairman Flemming. Without objection, it will be done.

[Whereupon, the document referred to was marked as exhibit no. 16 and received in evidence.]

Mr. Alexander. Ms. Moran, would you like to comment on the idea of dividing these functions, as Headmaster Burgess has just commented on?

Ms. Moran. I am supportive of them, in support of that concept, actually, the preceding year, having watched the development and the growing need for this type of division.

A dean of classes system has been established and has been written into the handbook, faculty handbook, as a concept for the servicing, both of the curriculum, and of the need for giving a broader base and more people involved in talking with youngsters and addressing themselves to the problems, real or fancied, that young people have, and to alleviate some of the preventive type of things, that being a class does. And I think, to a certain extent, Don has carried this a step beyond that, and I think it is an excellent idea.

Mr. Alexander. Mr. Burgess, would you say that quality education occurred this year at Roslindale High, and if not, to what extent?

Mr. Burgess. I think there was quality education, but not the extent that I think it is capable with the staff that I have. I had to tie up much of my staff with handling the many problems of the day, and if I could free up my heads of departments to be concerned with curriculum and guiding the teachers in their departments as opposed to controlling a cafeteria, I think that we can achieve much better education.

Mr. Alexander. Have you had an ongoing relationship with any educational, higher educational institution, or commercial establishment this year?

Mr. Burgess. Yes, we have had an excellent relationship this past year with New England Merchants Bank. We had programs for our youngsters, and also for faculty. Faculty members and youngsters went from Roslindale High School down to New England Merchants Bank and went through different training programs.

New England Merchants Bank sent guest lecturers out to the school, explaining the different areas of business and banking.

The Federal Reserve bank came out and put on some assemblies for the youngsters out there at Roslindale High School. So it has been an excellent program.

Mr. Alexander. Will that relationship continue? Are you linked with that industry?

Mr. Burgess. Yes; we have already had a meeting with regard to next year.

Mr. Alexander. Who is the—which institution has been assigned to the Roslindale High School?

Mr. Burgess. Boston College has been assigned to District 3, which not only involved Roslindale High School, but three middle schools and a number of elementary schools. I don't know the exact number.

There is a planning proposal for the total district at the present time, and we intend, at Roslindale High School, to write a separate plan with Boston College, just for Roslindale High School.

Mr. Alexander. Have there been meetings with Boston College personnel?

Mr. Burgess. Yes, there have been over the last month.

Mr. Alexander. I have no further questions at this point.

Chairman Flemming. Commissioner Rankin?

Commissioner Rankin. Helen Moran, would you be willing to comment: Has the police helped in your area, or has it been a hindrance, do you think?

Ms. Moran. The police have been supportive, with a low profile, available when needed and most effective if needed.

Commissioner Rankin. We heard some testimony that they were more sympathetic to white students than to black students. Would you go along with that, or not, or did you notice that situation?

Ms. Moran. I am not aware of that.

Commissioner Rankin. Are any of you aware of any of that feeling at all in the school?

Mr. Burgess?

Mr. Burgess. Yes. I have heard the complaint. How valid it is, I don't know. I don't know if it is just one of the generalities that come out of this type of busing situation. I have not seen it.

Commissioner Rankin. That is what I wondered. I have wondered about that, too.

Mr. Burgess. I would have to concur with Ms. Moran that the Boston Police Department has been most supportive of me at Roslindale High School.

Commissioner Rankin. And you have little criticism of the police?

Mr. Burgess. I have none whatsoever.

Commissioner Rankin. You have none whatsoever?

Mr. Burgess. Mr. Titus wants to—

Mr. Titus. If I may—I don't really have a criticism of the police, but as in anything, there are some bad police and some good police.

I would say, however, that there are times when, or there have been times, when police would socialize with white students on the corners and outside the building.

And certainly, for those same white students to act out toward black students, would give that, or those black students, the feeling that the police were more sympathetic toward white students than black.

Commissioner Rankin. Mr. Burgess, do you have any hand at all in the selection of your faculty?

Mr. Burgess. Only on new faculty members, or on the grading of those faculty members who are not on tenure.

Commissioner Rankin. Those on tenure, you have no control?

Mr. Burgess. No, I do not, other than to keep them in line in building. If I have a problem with them, I have them in the office like anyone else and speak to them.

I would say this, that I have been there 1 full year, and I have never asked a single faculty member to perform one duty and received a no for an answer.

Commissioner Rankin. Well, could you ask for the transfer of a faculty member to another school?

Mr. Burgess. I could.

Commissioner Rankin. But you never have?

Mr. Burgess. I have not, so I can't answer how successful I would be.

Commissioner Rankin. In the selection of new teachers, can you recommend?

Mr. Burgess. Yes. However, my staff is going to be cut this year for next year. I am reducing in numbers under the new Phase II plan to 1,050 students, and therefore, the staff has been cut by four teachers.

Commissioner Rankin. Do you let the board do that, or do you help in assisting in determining those that will be—

Mr. Burgess. We have sat down with the personnel department of the Boston Public Schools, and we have arrived at that figure, which is mutually agreeable to both parties.

Commissioner Rankin. Just a sidelight: For years, I have been faculty chairman of athletics. Do you think the experience you had as a coach, where you had both blacks and whites on athletic teams, has been a help to you when you take up the job of headmaster of a school?

Mr. Burgess. If I say yes, it is going to be criticized by those who have never been in the coaching field, but I would have to say yes.

Commissioner Rankin. Would you say the same thing, Mr. Titus, do you think that helps that you were one of his athletes?

Mr. Titus. Most definitely. I think sports will force a person to learn some lessons and to learn a little bit about relationships, that you don't have the opportunity to learn in other situations.

Commissioner Rankin. Well, have members of your athletic teams been good ambassadors in race relations, or not?

Mr. Burgess. Yes, they have. They have been excellent. We had a football team that was made up, primarily, of 9th and 10th graders, and was probably about 40 percent black, new students to the school.

The basketball team was probably 75 percent black. I am speaking of males now, only.

The baseball team was probably 75 percent white, 25 percent black. And it would be an isolated instance to pick out a single athlete who caused any serious problem this year, black or white, in Roslindale High School

COMMISSIONER RANKIN. Why has it worked so well with respect to athletes and not so successfully outside?

MR. BURGESS. I think they are forced to accept different values out there on the athletic field, that just aren't there in the academic classroom.

COMMISSIONER RANKIN. I agree with you, because my experience on athletic teams led to that, also.

Thank you very much.

CHAIRMAN FLEMMING. Commissioner Ruiz?

COMMISSIONER RUIZ. Paul Roche, will you comment on the existence of whites leaving Roslindale?

MR. ROCHE. We do monitoring of real estate transactions in Roslindale.

COMMISSIONER RUIZ. Pardon?

MR. ROCHE. The little city hall monitors real estate transactions in Roslindale, through the bank and tradesmen.

It is difficult to determine why a house is sold and why a person wants to move. I don't see now any great flight from Roslindale on the part of white people. I just bought my house a year ago in Roslindale, and I don't plan on leaving.

And I think I speak for a majority of the people. They don't want to leave. They like where they are. I think a majority of the people that are leaving, are leaving because they feel they are going to better their way of life, or something else, and they are not reacting to the desegregation of the schools.

COMMISSIONER RANKIN. Prior to Phase I of the desegregation order, Helen Morgan stated that there were 1,500 students in the building, built for 800. I assume this made the parents in the area unhappy. Is that correct?

MR. ROCHE. Yes.

COMMISSIONER RANKIN. It was also stated that Roslindale lacked political representation in the political picture, is that correct?

MR. ROCHE. Yes, it is.

COMMISSIONER RANKIN. I assume that the Roslindale area wasn't getting many public services that it felt it was entitled to receive. Is that one of the things, by reason of lack of political clout?

MR. ROCHE. No, I don't think it is. And I don't think that it is accurate, either. I think they are getting their just amount of city services.

There is a problem in Roslindale with the schools, in that they are inadequate in terms of number. There are not enough schools. They are not modern enough, and the ones that do exist are tremendouly overcrowded. And that is the extent of it.

Commissioner Rankin. In general, prior to Phase I of the order, the Roslindale residents were already unhappy and disgruntled with respect to what existed there in school services. Is that correct?

Mr. Roche. Yes.

Commissioner Rankin. And prior to the order, in Phase I, the area of Roslindale was considered by many whites as a more or less temporary way of residence on the way to the outer city. Would you so characterize it?

Mr. Roche. No, I wouldn't.

I think—if I may, I think Roslindale is a place where you can live very happily, raise a family, and be quite content. I don't think it's a stopping-off place by any means.

Commissioner Rankin. Then it's your opinion that the desegregation orders are not directly related to what has been happening in Phase I and II, with respect to the residents leaving the area.

Mr. Roche. That's correct.

Commissioner Rankin. Thank you.

Chairman Flemming. Commissioner Saltzman?

Commissioner Saltzman. Mr. Burgess, I had the pleasure of meeting you and visiting your school some weeks ago, and was very positively impressed. In fact, the two students from the Roslindale school here this morning, earlier this morning, were most commendatory of you and the relationship of the students with you, and felt that your presence was critical to the development in the course of the year of the good functioning of the school. However, they did feel there was some reservation about the faculty. They didn't feel the faculty was quite cooperative with the effort, nor as positive in its attitude.

What was done and what may be yet done for this coming September to advance the attitudes of the faculty and secure their cooperation and good feeling with the student body?

Mr. Burgess. Well, I'd have to, before I could move into the second part, state that the faculty at Roslindale High School, if that is the feeling of the students that they were not cooperative, it could be because they have been directed by me to be concerned with the academics that are going on inside the classroom and let those of us in the administration handle the corridor incidents.

Now, in that way, you become isolated if you, the particular teacher involved in, let us say room 209, you do not have as one of your teachers, then he becomes an impersonal figure to you.

We are going to be involved this summer with many of the faculty throughout the summer, planning for next year. We are going to go ahead and plan this class of deans procedure and set up administrative teams within the school.

The personnel department has given me enough staff that I believe I can do it and program the schools correctly.

Chairman Flemming. Commissioner Saltzman, my recollection is that the students didn't say the faculty were noncooperative. They were not "involved." That was the word that was used.

Commissioner Saltzman. Yes. Thank you.

Chairman Flemming. That links up with the testimony that Mr. Burgess has given.

Commissioner Saltzman. Yes, I'm sorry. That's right.

Can you indicate in any way, Ms. Moran, what were the factors which tended toward the incitement of noncooperation or even violence?

Ms. Moran. Where specifically?

Commissioner Saltzman. In some of the schools where this took place. And specifically, of course, much of the violence I assume was centered around South Boston High School. Are you acquainted sufficiently with that to be able to be responsive?

Ms. Moran. No, I'm afraid I'm not.

Commissioner Saltzman. May I also ask you, Ms. Moran, in visiting South Boston High School and Roslindale High School, I saw a sharp and decided contrast between the conditions of the facilities in Roslindale and South Boston. The South Boston High School did not in any way match the adequacy, the pleasantness of the environment in the Roslindale High School. Is there any reason to account for this?

Ms. Moran. I don't know—I can't address myself to the South Boston High School situation. I do know that the student council members and the members of the Key Club at Roslindale High and the members of the Bucket Brigade were students all constantly involved with, and students who addressed themselves to the maintenance, building maintenance aspect of the situation.

Last year a team of young men came to me with a proposal that they refinish all the cafeteria tables. If you—those of you who are in education appreciate what a dilemma that can be. However, we—it was presented in such a factual and such a well-organized manner that it seemed if you had student shop foremen who were going to handle a situation, were going to do all the sanding and this sort of thing, that with that kind of an initiative, you should say yes, so we did.

And one by one, and over a period of time, 42 tables and benches were sanded and refinished.

And then our Bucket Brigade, our Paint Bucket Brigade have a way of selecting colors and redoing sections of the building. The colors aren't always—they're vibrant and interesting, but not necessarily the institutional color that you might have in mind.

The young people in the key locker situation—and this is rather interesting, because security of personal property is a very serious matter, and we felt that from the outset, when we were going through the issuance of keys, when they first arrived, I said I couldn't stand that type of thing, and we'd investigate, and the team came up with the suggestion that they have a security lock, a padlock with a combination that was as secure as possible. Also quite expensive. And those were issued.

Then a team of students kept maintenance. You sent your complaints that the hinge wasn't quite right, or the lock—or the chain on the padlock wasn't functioning or whatever your complaint was, the shelf was slipping or something, to the team, and the locker-key committee did all the inhouse repairs and were very busy about such matters, and did, indeed, maintain 1,500 lockers and kept them in excellent condition and quite secure.

And this is the sort of thing that—it was done informally. As a matter of fact, we had—as the result of some vandalism on the exterior of the building, two teams came very early in the morning to put the traditional park green paint on the doors and get the building in operation for the opening after one weekend. And this—out of this grew a great interest in painting all exterior doors and it also meant that the groups went out for the little breaks that students enjoy, such as going to the square for the subs and the cokes and what have you. These were the fringe benefits of being on such a team.

This is the kind of school maintenance that has gone on informally, and thanks to Mr. Galliard and some of the other members, when I said that I was running out of money for paintbrushes and cans and all sorts of things, they came forth and underwrote the cost of such items for us.

This is kind of a tradition among the kiddos, and they carried it on, I'm sure. Mr. Burgess can address himself to that.

COMMISSIONER SALTZMAN. Ms. Moran, is it true that discipline problems have been acute in some schools prior to desegregation, and had little to do with the issue of desegregation?

MS. MORAN. Certainly age groups go through a phase of swatting each other. And when this—this particularly, I think, is true in the middle school group, age group, that's between 12 and 15, 12 and 14. They sort of—some of it's called horseplay; some of it's called a variety of things. And it has been kind of a tradition. It never has been considered as having racial overtones until perhaps this year.

COMMISSIONER SALTZMAN. Mr. Burgess, the witnesses from the Burke School left me with the general impression that desegregation has advanced the quality of education in their schools. Is this the case in Roslindale? If not, how can it become so?

MR. BURGESS. Not having been at Roslindale High School the previous year, I would not be able to judge myself as to whether the education has gone down or not. I would say this: I see room for improvement, and I do know that I myself, sitting in my chair, have not had the time this year to look in on the classroom teaching that I would like to look in on, and that's why my proposal is such for next year.

I don't believe that you can monitor the quality education and handle all the other daily problems at the same time.

COMMISSIONER SALTZMAN. Do you feel a need for supportive Federal help in September?

MR. BURGESS. Could you clarify what you mean by "Federal help"?

Commissioner Saltzman. Well, prior witnesses have felt that the Federal Government ought to supply Boston with even as much as Federal troops to carry forward the Phase II effort.

Mr. Burgess. Well, I can only speak for Roslindale High School in that respect, and I do not like the policemen inside the building unless it's absolutely necessary. I have had them in the building approximately five times this year when I felt it necessary to keep the school under control.

From there I would—I would still use the services of the Boston Police Department. I wouldn't want troops standing in my corridors.

Commissioner Saltzman. One final question: Mr. Titus, what do you think were the negative factors at work in Phase I, and what can be the positive factors at work in Phase II?

Mr. Titus. When I think of social change, and to me desegregation is definitely social change, there has to be present an air of quality leadership and proper direction. I think that that was probably one of the key missing ingredients when I look at desegregation citywide.

I think if you break it down to the individual schools, the administrators of those schools have to come to that situation with a certain sensitivity, irregardless of what their personal feelings or biases may be. As a matter of fact, I don't ever recall discussing with Mr. Burgess his personal feelings on desegregation, but I do know that he understands it's something that's a reality and that we have to live with, and he does carry the proper sensitivity in my mind to that situation. And the youngsters see that, they realize it, they acknowledge it, and they respond positively to it.

I think that parents play an exceptionally important role. I believe that youngsters are going to fight regardless of what situation they're in. The youngsters will fight. I think this year at the beginning of school, a lot of youngsters sort of acted or responded according to what they thought was expected of them. In other words, there was a lot of buildup about violence and trouble. I think that the parents had a part in that in terms of saying the thing just would not work out under any circumstances, and the parents were protesting and there were parents out in front of school buildings.

So that the youngsters felt that the fighting and acting out would be accepted, and was expected.

Commissioner Saltzman. Thank you.

Chairman Flemming. Just before I turn to my other two colleagues, Ms. Moran, I'd like to ask you to give us a little testimony in connection with your current position. We're now looking forward to Phase II. What are your responsibilities as area superintendent to prepare for Phase II, and what steps have been taken up to the present time?

Ms. Moran. At the present time, with the publication of the application booklet, the designation that the Area 5 office and Area 5 superintendent was responsible and would continue to be responsible for two districts known in the Phase II plan as Districts 2 and 3.

Our first involvement which has brought us to address ourselves to the combination of the two groups was the involvement with the pairing of the areas or the districts with the colleges and universities. With this first, we proceeded to have our meetings and to individually, if it happened to be, as it is with Simmons College and Jamaica Plain High, a combination of the two, the college representatives and the school working out their proposals for the coming year. This group now reflects District 2.

On the other hand, District 3 and the pairing of the colleges with the schools from K to 12 in District 3, the main involvement in this particular situation is with Boston College. Other universities having worked with the schools in Area 5, now part of District 3, continue to in their involvement as they have in the past.

The implementation of the plan for summer scheduling is another aspect that currently we're working on. Bear in mind during all of this there is a funding factor. Where is the money coming from to pay for the onboard availability of staff and services during the summer months.

Summer scheduling is of grave concern because last year, mid-April, we knew and had our printouts of students, student body. Individual administrators of schools knew precisely who would be expected in the students, representative of students in the summer. At this point in time we do not know that. Therefore, problems which are related to the organization of a school or schools are as yet unattended, pending the printout of the notification to parents, the assignment of teachers, which had been done a year ago this time, the awareness of students, and so forth and so on.

These are still factors to be considered, and they are being carefully watched for the first available information in order to start summer scheduling around factors that heretofore have been done within the framework of the school year as it's been traditionally known.

It is true that last summer much more time was spent in the summer by administrators. More administrators were in that capacity beyond the 11-month period, which is their assigned time, because of the interim situation which did exist. We are now without basic information, that is, as it relates to student organization, elective information, specific allocation of students as to whether or not particular schools such as the district school, the high school, Roslindale High, whether the number of students who have elected or selected the district high school will be in excess of, and how that problem will be addressed and so forth.

We're concerned with all of the ramifications of organizational work, the need for and planning that will go into the sort of thing that Mr. Roche referred to, and that Charlie referred to, Mr. Titus referred to.

The teaming up of groups meeting with the planning, the advisory council, the biracial council, the multiethnic council, the community district concept, tooling up has started for not only District 3, but also District 2, and pending the decision and the appointment of another area district, community district superintendent, I shall continue to implement all activities that come under the heading of preparing for Phase II.

Chairman Flemming. Do you feel that the resources that will be needed, the fiscal resources that will be needed to staff up the summer operations are likely to be made available, on the basis of the information that you have?

Ms. Moran. It is hopeful. It would be just an absolute must in order to supplement the budget money.

Chairman Flemming. How would you characterize the approach up to the present time of the new councils that have come into the picture as a result of the court order? Have they met? Do you have the feeling that they're approaching it with a sense of urgency?

Ms. Moran. Yes, I think there is a sense of urgency at this point in time.

Chairman Flemming. How would you characterize the reaction of the institutions of higher education to the opportunity to become involved in this way?

Ms. Moran. We have been involved with the institutions of higher education in many, many ways over the years through internship programs, through the organization of their undergraduate students as student teachers, their availability for tutorial services, and also many of the campuses have been open to us in the past years when we instituted the "flexible campus" program.

We opted for—particularly a school such as Roslindale, who needed space—we were very happy to find space in the campuses of the colleges for courses in one thing or another. We were most successful at it.

But the attitude I have found in dealing with four different institutions, all of them are most helpful and wish to be most helpful and imaginative. Of course, they are dealing with skillful and creative and hardworking staff members who are interested in appearing and are anxious to see that there be a working partnership.

Chairman Flemming. Thank you very much.

Commissioner Horn. Ms. Moran, what effect has the various collective bargaining contracts in which members of your staff belong had on the ability of you as an administrator to properly educate that staff and prepare them for desegregation?

Ms. Moran. I have found no conflict.

Commissioner Horn. Mr. Burgess, have you had any problem?

Mr. Burgess. Not with the contract. I am still under the same teachers' contract, sir.

Commissioner Horn. I see.

Mr. Burgess. I have to live with it.

Commissioner Horn. Will your students for the fall enrollment, once you get this printout, will you be able to schedule them in advance of their entry into school, so they will know the courses to which they are assigned, in either Roslindale, or anywhere in your jurisdiction?

Ms. Moran. Will you be kind enough to repeat that question, please?

Commissioner Horn. Well, what concerns me is we have had testimony that students knew their school assignment.

Ms. Moran. Yes.

Commissioner Horn. But they really didn't know the classes they were going to until they got to the school. And when you have many people who are coming to school who are not in those schools next year, it is tough enough in making friends and getting acclimated without the chaos of arguing about, or the hassle of where will you go to get certain courses, and what courses should you take.

So what I am trying to clarify is: In your enrollment process, at what time of year does the Boston schools really sit down with the students and register them for their specific high school program?

Ms. Moran. Going back a bit, it had been a traditional type of experience that in February, the planning for the next school year would be initiated. Students would be, through the guide offices, in touch with the guidance department members, discussing their programs for the coming year, based on their successes with the current—or their desire to change, whatever they wish to embark upon for another school year.

Last year that timetable was moved up considerably, and we were well into May before our elective blanks were going into the hands of students, and our data processing teams and guidance people traveled with elective blanks to the various feeder schools, 30 of the feeder schools,rather, and there they addressed the student body, or the members of the body present at that time, those who were scheduled, geocoded the Roslindale High School.

This, we felt, was not enough lead time, because there were students who were absent. There were students who had questions that needed a more one-to-one relationship.

Many of the guidance counselors who are advisors in the middle schools were able to address themselves to that particular type of question. When a youngster took an elective blank that was Roslindale High's and wished further amplification of information contained on that, they had two sources. They could go to the guidance advisor in the middle school, who in turn could refer back to the guidance advisor at the high school and get that answer.

If that wasn't satisfactory, parent and student could come to the high school and so do.

We are now, at this point in time, without the availability of that type of service to the youngster, so that the parent will be receiving a school designation. And from that point on, the various staff members who are available must direct themselves to getting the elective blanks, getting the course selection information to the student via mail, and also, making available to the students and their parents, people who can answer these questions and can be helpful.

There is the involvement of having available the student record. With students who are in transit, whose records are in transit, and who will be going from one, from a middle school to a high school, for example, or from an elementary school to a middle school, the availability of records is a various serious matter, and the evaluation of those records.

When a question is asked by a parent—"Do you think Johnny or Suzy should continue in this particular program?" you have got to have a record in front of you to help answer that question, to answer it satisfactorily.

COMMISSIONER HORN. Well, given the thousands of students involved and the complexity of the process, do you feel students will have their schedules and know their courses and program prior to the first day they are to attend school this fall?

MS. MORAN. This is what summer scheduling will have to be about, because the involvement time and personnel will have to be within the framework of the summer months.

COMMISSIONER HORN. Now, do you have sufficient 11-month employees to handle this problem, or will you have to pay overtime, or what?

MS. MORAN. The structure of the average school, the 11-month person is the administrator, and only the administrator, the principal, the headmaster of the school. All other staff members are on a 10-month basis.

COMMISSIONER HORN. So because of the decision of the Federal court that occurs at a particular point in time, there is an added cost on the Boston schools, due to this delay in scheduling, which you would ordinarily do at the previous spring, that will amount to perhaps millions of dollars?

MS. MORAN. That is as it appears.

COMMISSIONER HORN. Are there any estimates within the Boston school system, to your knowledge, of what that added cost would be?

MS. MORAN. There are estimates. I do not happen to have them.

COMMISSIONER HORN. Counsel might wish to get that for the record and insert it at this point.

MR. ALEXANDER. We will obtain it.

COMMISSIONER HORN. I would also like Counsel, if it has not been inserted in the record, at this point, the material which was sent to the students last fall by the Roslindale High School, just so we can see a sample of what written information went out. If those two items could go in.

MR. ALEXANDER. It will be obtained.

CHAIRMAN FLEMMING. Without objection, that will be done.

Commissioner Horn. Now, I wonder, since we have these problems of when court orders are issued and all of the many things that need to be done for the beginning of a successful school experience, do either you, Ms. Moran, or you, Mr. Burgess, as school administrators, if you had the option, would you rather have the transfer between schools under a desegregation order in the middle of the academic year, or you feel it is just better, no matter how much disruption it causes, to batten down the hatches and get the job done for the fall of the academic year? Any feelings on that?

Ms. Moran. I would think, if lead time could be made available before school and the entire faculty, before the closing down of a school in a given school year, that it would be more helpful than to have a period, such as the one we are faced with now. However, these are the facts and these are the circumstances under which we are working. And I am certain that every effort will be made by everyone to see that the schools are ready and functioning.

Commissioner Horn. Well, we often hear the argument, of course, that because of personal friendships, people getting used to a school in the fall, that it is really wrong to change students in mid-year. And I am just trying to get your professional judgment of: Given the circumstances of the trying to carry out the law of the land, if we had to, would it really be that disruptive to move students in the midyear?

Ms. Moran. I would not be in favor of the policy of moving students in midyear, any more than I was in favor of the policy of moving the seniors.

I think you have a stability that these students represent and built into the fact that they are students of the school. And I would say that if they can conclude their year, and if they are juniors and potential seniors and can return, I would concur with Mr. Burgess in his concept that if the same student body could be retained, this would even be more helpful.

Commissioner Horn. Let me ask you: A question was raised earlier by one of my colleagues as to discipline, and you, I think quite correctly, responded that there are always fights going on throughout history in middle schools and other schools.

Let's move to the question of drugs. Americans have been concerned all over the country in affluent, white, middle class suburbs as well as inner-city situations, about the level of drugs. Have you found any difference in drug levels among students as a result of desegregation? Is it just the same? Are there less now with more scrutiny of what is going on the schools, more awareness as to this discipline problem, or what?

Ms. Moran. I would say that in the past year, there has been a lessening—year or so—lessening of the drug problem at school level. I can say that I think this was a phase, and is a phase, of the culture of the country, as opposed to a given school or given school situation, or a city. I think the city—and major cities and suburban areas have a form of drug problem.

COMMISSIONER HORN. Mr. Burgess, do you have any comment?

MR. BURGESS. I would agree with Ms. Moran. There has been less drugs, I think, over the last couple of years than I think there were probably 4 or 5 years ago in the schools. We have seen it, of course, it is there, but not in the quantity it was 4 or 5 years ago.

COMMISSIONER HORN. Mr. Burgess, some discussion was made of school maintenance and there were comparisons with South Boston and Roslindale. I know, when school systems and public educational facilities generally have tight budgets, often one of the first things to go is the repair budget and the maintenance budget. How would you describe the conditions of your physical plant?

MR. BURGESS. The conditions of my plant inside are, for an old building, I would say excellent, due to a couple of things:

Number one, I have been able to achieve, through the department of planning and engineering, those changes within the building that have been immediately necessary, emergency procedures. And then the youngsters come into play with the paint. And they are still painting today, in fact out there. They are painting lavatories, and so forth.

So the youngster we have, through the Kiwanis Club of West Roxbury, the Key Club, get involved with the everyday type thing of painting, scraping down chairs, the table desks, and so forth.

COMMISSIONER HORN. If you didn't have sufficient student interest and community interest, would you be able to maintain your plant on the budget provided you by the Boston schools?

MR. BURGESS. Well, we don't have a budget, as such, provided by the Boston Public Schools. If I need work done within a school, I have to send a requisition blank downtown to the department of planning and engineering through Ms. Moran's office, and it proceeds from there.

If they have the funds—now, this year many of my jobs were put off because of fires in other buildings which took precedent.

COMMISSIONER HORN. In other words, vandalism, fires, destruction, has added to the repair budget of the schools—

MR. BURGESS. Most definitely.

COMMISSIONER HORN. —so—it simply—they don't have sufficient funds for the ordinary maintenance chores of wear and tear and depreciation?

MR. BURGESS. That is right. As I understand the budget for maintenance in the Boston Public Schools, it can only be certain percentage of the total school budget, and therefore, it can't fluctuate too much.

COMMISSIONER HORN. Let me ask one last question to both of you, rather you Mr. Burgess, and also Mr. Roche: As I reviewed the file on the Roslindale situation this year, apparently there was a problem for a time with a lot of, shall we say, 21-year-old males hanging around the school—on the sidewalks, I guess—and perhaps provoking and causing some of the trouble; is that correct?

Mr. Burgess. There were an age group of 20-, 21-year-old young men outside the building down at the corner at the first part of the school year, yes.

Commissioner Horn. Are these just people that are unemployed and don't have anything else to do, or how would you describe this group?

Mr. Burgess. I would assume that that was the case.

Commissioner Horn. Mr. Roche, you were in a unique position as the administrator of local neighborhood city hall, in terms of looking at the community and at the delivery of municipal services.

Do you have any reflections on the adequacy of the Boston police in working with a school, such as Roslindale, to encourage desegregation?

In your judgment, was this well handled, was the training effective? What are your reflections?

Mr. Roche. I don't see the Boston police as encouraging desegregation, but just implementing the desegregation order. I think they performed adequately and did a good job. It was something they never had to do before. A lot of them didn't actually really know what to do.

I would assume, and I hope and I know that under Phase II they will receive some training and they will have had the experience of Phase I, and hopefully, it can even be handled smoother and the police react more reasonably.

Commissioner Horn. Have you made recommendations for training since you are at the grass roots?

Mr. Roche. I have spoken with the deputy superintendent of District 5, and through him.

Commissioner Horn. Thank you.

Chairman Flemming. Commissioner Freeman?

Commissioner Freeman. Mr. Roche, you made a statement about, that in Roslindale, there is lack of political representation. I would like to ask you: How many of the people vote? About what percentage of the residents vote in the regular elections, or school elections, or whatever elections there are?

Mr. Roche. Lately there has been an influx of Greek immigrants, and many of them are not citizens, and are in the process of becoming citizens and are not yet registered to vote.

I would think the percentage in Roslindale would be no different than the percentage of the city of Boston as a whole.

Commissioner Freeman. About what percentage is that?

Mr. Roche. I couldn't say. I really don't know.

Commissioner Freeman. On what basis would you make the comment that there is lack of representation; what do you mean?

Mr. Roche. Roslindale is divided—the city of Boston has 22 wards. And there are areas of the city, such as East Boston, that is made up of one ward, and it has State representatives and other officials on the State level that represent specifically East Boston.

Roslindale is carved up between three wards, ward 18, ward 19 and ward 20. And as a result, it has no State representative representing Roslindale. And people often refer to themselves as living on the West Roxbury side of Roslindale, or the Hyde Park side of Roslindale, or the Jamaica Plain end of Roslindale. And Roslindale suffers from sort of an identity crisis because of that.

COMMISSIONER FREEMAN. Would you say that the residents have a feeling of powerlessness?

MR. ROCHE. On the State level, yes, because there is no representation. We do have a city council and we do have the little city hall.

COMMISSIONER FREEMAN. Mr. Titus, do you have any comments with respect to that?

MR. TITUS. With respect to the powerlessness of—

COMMISSIONER FREEMAN. Of whether there is such a feeling, or how prevalent it is?

MR. TITUS. Well, our community does not have, in the local city government, the type of power that one would feel that a comrnunity should have. I think a couple of things that hurt our community are the at-large elections, especially for school committees, and especially for the city council. With us being such a small percentage of the population, it is exceptionally hard to get a representative elected.

COMMISSIONER FREEMAN. Mr. Burgess, I would like to ask you if you would comment on the social climate of school spirit in the school and indicate the extent to which it is improved over the past term, whether it is better or worse, or what you would want to anticipate for the next term.

MR. BURGESS. No. I think that definitely there has been an improvement in school spirit since the first of the year. To say, however, that the school spirit is what it was, say 3 or 4 years ago, in any school in the city of Boston, it just isn't there. We are going through a trying time for the whole city and it is reflected in the youngsters who represent all parts of the city.

COMMISSIONER FREEMAN. Several questions have been asked about the timing of the court order. However, as everybody knows, the court order is the consequence of past acts of discrimination and finding of segregation by the officials, who administer the schools.

I would like to ask you if you would comment on the—if you were look—if you were asked now to say what should not have been done or what could be in terms of site selection, drawing of district plans; if you would have any recommendations so that you would find that the persons who were responsible for administering the law would not have to be brought into court before they would comply with the law. Would you have any comments on that, any of you?

MR. TITUS. Well, I think—first of all, in this city, there is the whole issue of turfdom. The Irish have their turf, South Boston, and the Italians have their turf, the black folk have their turf.

With respect to Roslindale, it is a little hard to talk about that situation in the context of the total city. I think that they have a more diverse ethnic base in Roslindale, so the social change is not quite as much as, say, South Boston, where it is a total Irish community.

I don't think that the proper consideration was given to the issues of turfdom in this city, when the order was given down.

I would also say that along with desegregating the schools, which I don't personally believe is going to bring the quality education that we all seek in the city, I think that we need to take a long hard look at the whole structure of our school system here in Boston, and just probably look at education before desegregation and make an analysis to see what the quality was then. And I think that we will answer a lot of questions with that kind of an analysis.

Commissioner Freeman. Ms. Moran, do you have any comments to make on that?

Ms. Moran. I was thinking in terms of two other aspects of mandated legislation that effected the Phase I: the implementation of Public Law 766, together with the, particularly in the Roslindale area, the addressing, the need to address ourselves to the needs of the linguistic minority, the Greek students, whose numbers, as indicated by Paul, have increased considerably in the Roslindale, West Roxbury area, resulting in the need for—and not totally anticipated—the need for bilingual classroom space, the need for resource rooms at the middle school, the elementary school, and the high school levels. And these were two additional mandated pieces of legislation that were ongoing along with the organizational matters involving the implementation of Phase I. And these are factors that we will have to address, and will have to be addressed again, with more knowledge of the implementation procedures than we had last September.

We are in a better position this year to evaluate what has to be done in those two areas.

Commissioner Freeman. Thank you.

Chairman Flemming. Thank you. Just one question on this question of timing. Admittedly, timing is a factor, as far as Phase II is concerned. As you understand Phase II, assuming that it is operation for the school year '76–77, do you see anything in the Phase II order that would prevent setting up a timetable for assignment, for the school year '76–77, which would give you the time that you need to work out the assignments and do the other things that have been identified?

Ms. Moran. As I understand it, not all segments of the Phase II orders are in. The sections which we have, reflecting the students' assignments—they appear to be complete, and the implementation of them will indicate where the—where—if any difficulties exist.

We're anticipating all the things we can, and only in the shakedown cruise can we actually come up with the information.

Chairman Flemming. But as far as the school year '76–77 is concerned, the Phase II plan as you understand it, could be worked out and implemented in accordance with a reasonable timetable.

Ms. Moran. Yes.

Chairman Flemming. Is that your feeling, Mr. Burgess?

Mr. Burgess. I'm in agreement with that.

Chairman Flemming. All right. Well, may I express—sorry.

Mr. Buggs. Ms. Moran, in some places the advent of desegregation has had some interesting and unusual benefits, and I'm wondering whether or not in Boston, that fact, the advent of Phase I, for example, has created any bigger, and any new vitality in terms of the interest and concern on the part of school personnel, teachers, headmasters, etc. In other words, with reference to their concern about quality education, has it done anything to make the system more aware of deficiencies that did exist and what the potential for a better school system might be?

Ms. Moran. I think one thing that has come full center is the need for a better method of delivering services to the—educational services to the students at the—at all grade levels, but particularly the middle school and high school groupings.

The youngster who is not that totally enamoured of school, whose interest span is considerably lessened by virtue of a need for a—perhaps a shorter school day, an alternate site type of location where skills may be developed, enough such alternate sites where it would be possible for a youngster who attends a home school for limited period in the school day and then is transported to another location for further training. We have found that there is a grave need to address the needs of that particular—those students who are interested in alternate educational opportunities.

Mr. Buggs. Thank you. Mr. Burgess, you mentioned social engineering in connection with the new kinds of responsibilities brought about by desegregation. In your view, since the school, the institution, really, of education in any community represents the only institution in which on a day-to-day basis people of all races, all creeds, all backgrounds, all social classes have to come together, do you look upon the school as the institution which has the best opportunity for social engineering?

Mr. Burgess. I look upon the school as the best opportunity for social engineering up to age 18, or possibly even age 16. Beyond that, we are—we do not have the physical facilities. We do not have the trained personnel; you're getting into the social work field; they're not assigned to the Boston Public Schools. We're asked to perform many duties during the course of a day that we're just not trained or qualified for.

Mr. Buggs. But within the framework of the time that you do have students, you would agree that that is a responsibility that the school should discharge?

Mr. Burgess. Given the proper personnel, we perhaps could incorporate it into the schools. I do have a serious hangup about all these things that the schools are taking on, and quite frankly, as to Federal law and State law, and the money is not being provided to the city or to the towns, in order to take them on.

We just had an answer to a question here about what is it going to cost the Boston Public Schools this summer to implement this program. We see in the last month the crisis that the city of New York finds itself in with taxes and payrolls and so forth. And I believe very strongly that the Federal Government should come in and if they're going to mandate, then put up the money also to carry out their responsibilities.

MR. BUGGS. Thank you.

CHAIRMAN FLEMMING. May I express to each member of the panel our appreciation as a Commission for your being with us, for the contributions that you have made to the record of this hearing, and for the help that you have given us when we, on the basis of the record of the hearing, try to work out our findings and recommendations. Thank you very much for being with us.

Counsel will call the next witnesses.

MR. ALEXANDER. Mr. O'Sullavin. Mrs. Coughlin?

[Whereupon, Jim O'Sullavin and Peggy Coughlin were sworn by Chairman Flemming.]

TESTIMONY OF JIM O'SULLAVIN AND PEGGY COUGHLIN

CHAIRMAN FLEMMING. Thank you. We appreciate your being with us.

MR. ALEXANDER. Could you each state your name and tell us what part of the city you're from.

MS. COUGHLIN. My name is Peggy Coughlin and I'm from South Boston.

CHAIRMAN FLEMMING. Could you pull the mike just a little—pull it down just a little closer. That's right. Thank you very much. We have so many mikes here that if people don't talk right into it, why, they're not heard.

MR. O'SULLAVIN. My name is Jim O'Sullavin and I live in South Boston.

MR. ALEXANDER. Are either one of you active in any community organizations within South Boston, Mr. O'Sullavin?

MR. O'SULLAVIN. I'm a director of the South Boston Neighborhood House, United Fund Committee. I'm a director of Our Lady of Hope for Refuge, and founder, which is a soup kitchen that we developed 2 years ago down in Broadway by D Street for indigent derelicts and alcoholics. I'm a director of the Arch [phonetic] Foundation, the Gavin [phonetic] House in South Boston, which is a halfway house for alcoholics. I'm general chairman of the religious education, Gate of Heaven parish in South Boston, and I'm a member of the parish council.

MR. ALEXANDER. Mrs. Coughlin, have you been involved in community organizations as a political worker and otherwise?

Ms. Coughlin. Well, not really. I think I have had my hands in a little bit of every politician who has ever run in South Boston, but nothing to the extent of Mr. O'Sullavin. I'm strictly a social mother.

Mr. Alexander. Okay. Mr. O'Sullavin, did you go to school in South Boston?

Mr. O'Sullavin. I went to school at the Nazareth Grammar School for 8 years; it's a parochial school. In 1937 I went to the Thomas N. Hart School, which is, by the way, scheduled to be demolished, should have been demolished then. We have—and then I went on to South Boston High. I graduated when I was 16. That wasn't because I was bright. I was the eighth of 10 children, and my mother got me out of the house early.

Mr. Alexander. Have you had children in South Boston High School this past year?

Mr. O'Sullavin. I have a daughter in the sophomore class.

Mr. Alexander. Had you been back and forth to the high school between the time you were graduated and this past year?

Mr. O'Sullavin. No. I haven't been back until this trouble started this year.

Mr. Alexander. What were your reactions as a parent when you learned that South Boston High School was to be desegregated?

Mr. O'Sullavin. My first reaction was that—I—obviously I'm—at the time I believed in the neighborhood concept of schools, and I felt that I wanted my children to go to local schools. And so my reaction was that this law was not in my interests. I—last fall, if I may interject—

Mr. Alexander. Sure.

Mr. O'Sullavin. We got a letter, my wife and I got a letter from—through the principal of South Boston High that I had been "ordered" to form a biracial council, and therefore we should meet up at South Boston High to carry out that order. Well, I went up there with a chip on my shoulder about a block long.

When I got there, the meeting was to commence at 7 o'clock. The South Boston Home and School Association arrived, aborted our meeting, and we were not allowed to even start the meeting until 9:30. At that time they facetiously said, "The meeting is yours."

At this stage of the game I was going right through the roof. I spoke to Superintendent Reed, Dr. Reed. I asked him if at all possible he could arrange a meeting, a neutral site, somewhere in Boston, where I could meet my—the black parents, my counterparts, because the people that aborted my meeting did not represent me.

Mr. Alexander. Had you been down to school the opening day?

Mr. Alexander. I went down the first day of school and I was shocked at—first of all, I was shocked that this small group, supposedly representing the South Boston community, would vilify those young children being bused to South Boston High. I felt so helpless when I watched the community stand by while young toughs tore at the young children through the windows of the bus, called them names and obscenities that I just wanted to—if I had the wherewithal I'd have interjected. I presume there was some plan, but again, I'm shocked and embarrassed and ashamed.

Mr. Alexander. Were you able to meet as a parent with the biracial group at a neutral site eventually? You mentioned that your—the first meeting was disrupted.

Mr. O'Sullavin. Well, when—finally we met at the Prudential Center through a—through the auspices, if you will, of a group concerned with the Boston school system, and one of the local businesses contributed the area and coffee and whatever, to make the meeting as amenable as possible.

We arrived there in October. It was about 15 white and 15 black, evenly balanced. Obviously both of us were very wary. The majority of us never had a real personal black or white friend, so that we were really walking into a neutral territory. We were obviously at the beginning very wary of each other.

But as the night progressed and the—by the way, we had the very good help of faculty of South Boston and Roxbury High Schools; we had the help of concerned citizens; we had the help of a psychologist who came up from Rhode Island and attended our first three or four meetings, just to guide us over the first inital hurdles. One of the very instrumental helps was the Citywide Educational Coalition under the auspices of Miss Jane Margolis and Mary Ellen Smith, who were there to get us over the organization of how to talk to each other and how to run a meeting without getting disruptive.

So that first night was really the pacesetter, because there was a lady there, Mrs. Sarah Small. Mrs. Sarah Small is black. Mrs. Sarah Small has children in the Boston system, but she's originally from the South. Mrs. Sarah Small marched with Martin Luther King in Selma, in Mobile. And when I got there and we were there and—I felt so helpless and we were so few, and I said, "Mrs. Small, there's so few of us. What can we do?" And Mrs. Small said, "Mr. O'Sullavin, Christ started with 12." And of course, how could we stop then?

Mr. Alexander. How has the year worked out for your small group?

Mr. O'Sullavin. Well, as we progressed, the biggest problem of the first few months was getting signals straight, so the faculty and the concerned community social agencies were helping us over the first hurdles, but by December we were running our own meetings. We have black and white chairpersons to run each meeting, and we don't have any problems.

I'd like to interject at this stage of the game, because we proceed so well, something naturally came out of this biracial group that I didn't expect. I was—if an outsider came, on invitation or unauthorized—and the first one I'd say that was anti the group was white—the whites within the group took care of that particular situation by addressing it. In other words, if a white came in that was anti to the philosophy of the council, the—we whites would—"Hey, we've been going at this thing since October and November and December. You're not interjecting anything now. Please not, let's not have a rabble. If you've got something to contribute, then on with it."

In the same sense, the blacks—we had a black representative of one of the black papers in Roxbury come one night with a tape recorder, and we're ready to tape everything and print it in the local media or whatever. Our black compatriots, if you will, they took care of him. As a matter of fact, they asked the person to leave the room. We didn't need any of this poor media at this stage of our development.

So that type of rapport developed, and to now, we have developed to a point now where we have our own place, which is tax-supported, so we don't owe the local community—the local businesses anything. We're running our own meetings. The ladies bring coffee and doughnuts and sandwiches and tea. We've had the children there. And this mutual respect has really turned into real, sincere neighborly love.

Mr. Alexander. Mrs. Coughlin, to go back a moment now to when you heard that the school system in South Boston was to be desegregated. You've had several children in the local schools. Is that not correct?

Ms. Coughlin. Yes, it is.

Mr. Alexander. What was your reaction?

Ms. Coughlin. I didn't like it. I didn't—it's not so much that I cared if people come into our schools, if the blacks came into our schools, but I was very, very much against forced busing, and I didn't want our kids to have to go out of the area.

Mr. Alexander. Did your children attend school at the beginning of school, this year?

Ms. Coughlin. No, I went along with the boycott for the first 2 weeks. We were asked to boycott, and I did say that I would for 2 weeks, but please don't ask me any longer, because I did want the kids to go to school.

Mr. Alexander. So after the 2 weeks did your child go back to school?

Ms. Coughlin. Yes.

Mr. Alexander. To the South Boston High School?

Ms. Coughlin. Yes. I have just one up in the high school. I have one that was supposed to go to Roxbury, but I did the cowardly thing. I sent her to a private school.

Mr. Alexander. What happened in South Boston High School with your son's class while he was there? Did he continue to go?

Ms. Coughlin. Yes, he did.

Mr. Alexander. What happened in the December–January period at South Boston High School?

Ms. Coughlin. Well, that was—it was pretty hectic. I had, as a matter of fact, way back in August was when I really first got involved.

I was so upset over the problem with Judge Garrity I had sent quite a long letter to him, and after not getting an answer from him, I went down to our local paper and I had the letter put in the paper, which in turn, of course, caused a big paper to come and interview me, and actually, I certainly didn't think I said anything wrong, but at that time we did get some threatening phone calls to myself, my family, and to my youngest daughter.

So—we had had a bad tragedy in the family and my husband had been sick, so he said to me, "For God's sake, keep your mouth shut and stay out of things." And I really did. I stayed completely out, except for the sending the kids back to school after the time was up. And then—

Mr. Alexander. What happened to bring you back in?

Ms. Coughlin. The idea of closing the high school was just—I thought it was just so terrible to want to close South Boston High School. It's been open since right after 1900, and I have had children up in the high school for 18 consecutive years, so I should have them for the next 6, but—you know, I don't know what's going to happen.

Mr. Alexander. What in fact did you do when you learned that South Boston High School might well be closed down?

Ms. Coughlin. Well, I had heard, someone had called and said that there were going to be a couple of different committee meetings, school committee meetings, which I had gone in and attend. One was at an elementary level, or rather middle level, which they call now. And like, they heard the elementary and then the middle, and then the high school, and I did have one in the elementary—I mean in the middle class, and one also in the high school, so I was able—you know—to speak. I didn't have that much to say, other than the fact that I thought the schools should be open.

Then it kind of died down again until January 1, when it came up that Judge Garrity was planning on speaking to some of the parents, and I was called and asked if I would go over to the Federal Building and see if I could talk.

Well, I didn't want to take any chances, so I made a call to School Committeewoman Kathleen Sullivan, and I asked her, "You know, if I'm going to spend my time, I want to be heard," you know. And I went over there, but actually we weren't heard. We were ordered the next day to give a deposition for the judge, which was actually a waste of time. And that's why even with this subpena, which I can see now is not the same thing, not run the same way—we did no more, practically than just say our name and address and that we did have a child in the school, but other than that I think they were more concerned with all the—what the big shots had to say, not what just the average parent had to say.

Mr. Alexander. Did you as an "average parent" do anything in particular to try to keep South Boston High School open?

Ms. Coughlin. Yes. As a matter of fact, the day we made the deposition, we were invited up—I was one of the ones who was invited up to Superintendent Leary's office, and on the agenda for that meeting was the closing of South Boston High School. And to say I got panicky was—you know—upset about the whole thing, and when it came down to the question, what would the parents do in order to help to solve the situation—so at that time it came to me that I knew I could get enough parents who were willing, if the police couldn't provide protection, I felt that the parents could keep things under control. And—which seemed like a good idea at the time. Nobody objected or anything else.

So I spent the next 2 days completely on the telephone trying to get parents who were willing to go into the school and—I didn't know what they were going to do, I really didn't. Just to patrol the corridor, or just to give the kids moral support, to let them know that the parents were with them and that they wanted them to continue their education. And such as it was, it was a bad year, as everybody knows, and you can't deny that.

Mr. Alexander. How many people were you able to contact who were willing to do this?

Ms. Coughlin. I had—from late Friday night when I got home until early Sunday evening, I had close to 120 parents.

Mr. Alexander. Now, were these parents who were in favor of the desegregation of schools, or were these parents who were strongly opposed to the school desegregation?

Ms. Coughlin. I would say we were all opposed.

You know, I feel so middle-of-the-roadish, you know? I think that we were opposed to it, but at the same time, we didn't want any trouble. We didn't want any kids to get hurt, and were willing to go in and have students, both black and white, receive their education without any violence, if we could help in any way.

Mr. Alexander. I gather that parent committee was never actually utilized when the—and that the State police, etc., were brought into South Boston High School.

Ms. Coughlin. Well, not completely. Actually, when they found out—I had no idea this was going to boomerang like it did, the day that—as a matter of fact, Sunday night, Miss Sullivan called me up and asked me if I would go over and let the school committee know how well I was doing getting people, you know, involved. And I had no idea that it was going to be on television and that it was going to make such a big impression on people. All I was concerned with was impressing the kids, so that they would go back to school and they would know that in this short time we had that many parents who were willing to do—and stand by them 100 percent.

This was my whole idea, certainly not being on television or being interviewed. That was the furthest thing from my mind. But it just sort of—I didn't know I was—I didn't know I was being, like, positive in my thinking, because I was only thinking of the kids. I wasn't thinking of anything nationally or anything else.

Mr. Alexander. Did you encounter a great deal of community criticism for your position?

Ms. Coughlin. I did. I did.

Mr. Alexander. Would you still be willing, let's say for Phase II, to organize parents to protect the school system, to protect the buses coming in, to protect the children walking from the buses to the classroom door, if such were achievable?

Ms. Coughlin. Yes, I would. But the funny thing is, though, we did—I had called Mr. Reid, our principal, and I told him about the parents that I had had, which he was very pleased. So he said to me, "Mrs. Coughlin, do you have any black parents?" And of course I had to say no. I didn't know any black parents. So he said, "I can't bring just white parents into the school. We have to bring both black and white." So he said, "I will be willing to go to the Freedom House and get black parents who are also willing to give their time and go," and he did. And actually, we went up there on just two occasions, and we found out that we really weren't needed at all.

I think the fact that the kids knew that we were behind them, and that people did really care, we were not needed. And Mr. Reid gave us—well, as a matter of fact, he took us from the basement up to the top, in every room we went by. And nobody was aware that we were coming, classes were being conducted, and I don't know what, but it was particularly orderly on the day that we were there, and—but I think that we—and even as far as lunch, he had us go down to the lunch room that day so that we wouldn't be—you know, because that's where most of the disturbances had occurred, was in the lunchroom.

Mr. Alexander. When you became known in the community from the television appearances; did you start receiving, either on a name basis or on an anonymous basis, requests from other parents for help of any sort?

Ms. Coughlin. Yes, I had one in particular. I still don't know who the woman is to this day, that called me up, and she was quite upset about boycotting her children up until that time, and she says, "Why are you telling us to send our children back, when others are telling us to keep them home?"

And I said, "I'm not telling you to send your children back. That decision has to be yours and your husband's, certainly not mine." I said, "I'm just—the ones I was referring to, which I thought I had made myself clear, were the ones who were in school, to please go back, and, you know, we'd try to make thing work out for them."

But she really—I really felt that this woman was looking for someone to tell her what to do, so I said "The only thing I could suggest to you is to go to both schools and speak to the principal and ask him to bring you through the school and let you and your husband decide for yourself, because I cannot make the decision for you."

About 2 weeks later, the woman did call me back and thank me for my time and said that she did send her children back to school.

Mr. Alexander. Did you become involved with the biracial committee as a result of your activities?

Ms. Coughlin. I did. I didn't want to, I really didn't, because the high school itself did not want it. So if they didn't want it I didn't want it, because I felt that it should have been just, you know, a full high school involvement. But I also felt that how can you knock a thing like the biracial committee—they said that it didn't work in Hyde Park and it didn't work here, and I said, "Well, I think that we should at least get together and try it. If we try it for 3 or 4 weeks and then you don't get any satisfaction, then you can abolish it and say the heck with it, it didn't work. But how can you abolish something that you've never tried?"

So after January, probably the latter part of January or even the first part of February, Jim called me, and—I was really very, very reluctant to go. I didn't want to go. I didn't even tell anybody in my family I was going, because I just figured, you know, keep things as quiet as you can, you know. I didn't want to get any stones unturned. I had enough stones unturned on me, you know.

But I did go, and I didn't agree with everything they said, but I think the thing that I did appreciate with it, well, one occasion especially, I don't even know what the vote was, but I was the only dissident vote in the whole place. But nobody—because they—a lot—they don't think—everybody doesn't think alike, you know, and I was—on many occasions I voted down things that I didn't approve of. So they knew exactly where I stood, and I knew where they stood, but you could still talk without any hard feelings.

Mr. Alexander. Mr. O'Sullavin, what kind of things would you like to see done this coming year in Phase II, either by your group—I understand you've been—you're a member of the CCC now; is that correct? What kind of things do you see being done for South Boston and in South Boston?

Mr. O'Sullavin. As South Boston rather than the city?

Mr. Alexander. As South Boston residents, yes, sir.

Mr. O'Sullavin. Well, I'd like to see the South Boston High School restored. I'd like to mention at this moment that when I graduated in 1940, South Boston High School was a beautiful high school. You could eat off the floors. They had French doors going into the assembly hall, beautiful assembly hall. The walls were always freshly painted and the place was kept clean, and it was just a good place to go to school.

Well, anybody, a youngster that has to go, even—but when I went back in October and saw the appalling condition of that school, I could have cried. The filth, the paint peeling off the walls. The girls' gym hadn't been heated in 3 years. The girls'—the doors on the ladies' room for the girl students hadn't had doors on them for 2 years.

You can't study under these circumstances. Obviously it was my conclusion that the reason it was in that position is that because of our posture in Boston against desegregation, the Federal funding that would normally be put to keeping the schools up were held back. So here we were in South Boston with the filthiest school you can imagine. For whatever reason, I can't understand why we wanted to keep it open, Peggy notwithstanding. You know, it was—you know, I was shocked and ashamed.

Down in the D Street project we have two temporary schools that you wouldn't put the pigs in. We send our children there. This is—they've been up—10 years ago we were promised as soon as we change the law we're going to get ourselves nice new schools. Well, it's 10 years later, where the kids are still going to those temporary schools.

So I guess what I want for South Boston, I want those Federal funds. I want the Federal funds, and I want it to come back to us. We want to desegregate because we want our schools put in A-1 condition. I want the Federal Government to protect my children and my neighbors' children. I don't want any more obscenities. I don't want any more congregating in front for purposes of terrorizing, black or white. I want the children to go to school like they do in Toledo or in Weymouth or in Newton Center.

In the 1930s Boston had the—had the beautiful position, if you will, of having one of the best school systems in the country. Today it has the worst school system in the country. I want this all turned around. I want a dollar for a dollar. I want my tax dollars to go to the schools. I want the people that work the schools to keep them clean. I want the teachers who are and really want to teach be allowed to teach. And I want to break down this terrible racism that's all around me.

MR. ALEXANDER. I have no further questions.

CHAIRMAN FLEMMING. Commissioner Freeman?

COMMISSIONER FREEMAN. Mr. O'Sullavin, I would like to pursue the point about what you want, and ask you if you see for the coming year more parent involvement in the day-to-day activities of the school such as the usual PTA, Parent Teachers Association.

MR. O'SULLAVIN. Mrs. Freeman, that October night when that meeting of the biracial council was called by Garrity, Judge Garrity, I was told that the South Boston Home and School Association had something like over 100 members. That night I asked how many members they had the previous year. This was prior to the confrontation on desegregation. I was told by the president of the South Boston Home and School Association there were eight members. So I can see now why the condition of the schools are what they are. I think I've lost your question. Would you repeat it?

COMMISSIONER FREEMAN. What do you see as—what would it take, should it come from the headmaster, the organization of the—of a—of the Home and School organization, or what we call the PTA, or what is it that it would take to get the spirit in that school the way that you have described that you would like to see it?

Mr. O'Sullavin. Well, if you would allow me to use this as a forum, I'd like to appeal to all the black and white parents of the city of Boston to join—and Chinese and any other ethnic groups—to join the multiethnic groups that are going to be called for assembly, if you will, during the month of July as an arm of the citywide council. I think if we can sit down, each school district, black and white, as we did at the Prudential Tower building, and finally at U. Mass.-Boston, if we could have half the success that the South Boston-Roxbury Biracial Council had, I think we will make great strides in getting the quality education into the city of Boston this coming year.

Commissioner Freeman. Thank you.

Chairman Flemming. Commissioner Horn?

Commissioner Horn. Let me first congratulate both of you on your active community involvement and leadership. Wherever we go in this country, and I've served on the Commission since 1969, I'm always impressed by the caliber of leadership we find when we look into a community. It's there. Sometimes it isn't noted in other parts of the community, and sometimes I regret to say it isn't heard outside the community, but it's essential.

And I just have one question. Based on your active involvement in the desegregation of the Boston schools, knowing what's going on at the grass roots, seeing what is going on in the schools in Phase I, when you got home in the evening, what was your impression of how the television media in particular treated the desegregation of the Boston schools? Do you feel the whole story was balanced, fairly told? What are your views on that?

Mr. O'Sullavin. I have an opinion of media such as TV in that it is so entirely limited, that when it takes on such an important thing as desegregation or taxation, it never can tell the story, not even closely. If—did the Boston TV networks present a credible case? I don't—well I think I believe it can't done through the TV, that it's just, you know, a 2-minute expose, or whatever. I didn't see anything that I would say was antidesegregation.

Commissioner Horn. Ms. Coughlin?

Ms. Coughlin. I feel that—I feel with the TV and the press, the papers, that they made too much of the incidents of the crowds gathering and the trouble. I think they could have minimized it and had it been minimized, I think it could have been lessened a whole lot.

Commissioner Horn. That's a concern that previous witnesses have also expressed. We had testimony the other afternoon, very few in the media present, on the Burke High School. And here was a story of real success by parents, faculty, administration, students, community. And yet we very seldom see that covered. So that's what led me to ask the question, and I appreciate your response. Yes, Mr. O'Sullavin?

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Mr. O'Sullavin. Well, regarding our biracial activity, I have to be fair to the press. They attended two or three of our meetings. They saw the success of our meetings. They asked permission to publish it and to broadcast it. We felt we were so few that to do this at this time it may have been aborted by "anti" elements, so we really asked the media not to print it and they were good enough not to.

I don't know if that was an error or not. I think—I personally believe that now is the time, and this Commission is the purpose. Now is the time to broadcast it; now is the time to tell it all. And let's start now to do it right.

Commissioner Horn. Thank you.

Chairman Flemming. Commissioner Rankin?

Commissioner Rankin. Mr. O'Sullavin, I think you thought that Phase I was unworkable, but that Phase II is much better. Is that correct?

Mr. O'Sullavin. Yes, sir.

Commissioner Rankin. But you say that people in your area are not—they're not—they don't understand Phase II. Is there any way of informing people of the content of Phase II and what it means?

Mr. O'Sullavin. Yes, but it—I think it ought to be done as if we were selling—I work for Gillette's and we sell products and we give it a big advertising pitch, we give it all the public relations and all the attention so that everybody knows what's going on. I think that, if I may dwell on it a minute, Phase I couldn't have been a more terrible plan. Phase I took two poor areas like South Boston in the district project and the poor sections of Roxbury, and they took those two elements. No way could they sit down and shake hands overnight, and they throw them into a school together.

It couldn't work, it couldn't work. The day they opened the school it couldn't work. I believe it was a conspiracy, I believe it was done for a purpose. They gave Garrity no alternative. They hoped it wouldn't work and they gave them the world's worst tools to do it.

Now let's go to Phase II. When I went to school in the 1930s we had a magnet system. We had a system of choice. I, Jim O'Sullavin, the eighth of 10, could have gone in town or to the neighborhood school. My mother—there were three of us boys one right after the other—decided neighborhood schools was best for us, probably because she wanted to keep an eye on us. So we went to the local school. She knew the headmaster, he knew of us and he kept an eye on us.

However, I graduated from the eighth grade of Nazareth School. There probably were 50 in the graduating. Fifty percent of them went in town, and here are the types of schools they had a choice to go to. They could go to Boston Latin, which by the way, at that time was not strictly an exam school, but it was an academic school. You could not get in there unless you were properly prepared. Then the other school was Boston English.

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And at that time if a young fellow wanted to be a teacher—or young lady—he'd go to Boston Boys', I believe at that time. He went to Boston English. And if he wanted to go into civil service, customs, city work, State work, he went to the High School of Commerce that was specially trained for that purpose. If he wanted to be a tradesman he went to the high school called Trade.

Commissioner Rankin. But now how you going to educate people to Phase II, keep them informed of this?

Mr. O'Sullavin. Well, let's talk about that, and then tell them we've got it all over again. Let's say, "Hey, we have a system for you kids, you parents. What do you want your boy to be? You get into aerodynamics and you live in Roxbury, there's going to be a school over in East Boston that's going to be particularly geared to that particular technical development." And so we have the tools. We've got to sell it.

Commissioner Rankin. I have one other question. We had a group of churchmen here yesterday, and we asked them their part that they've played in the Boston school situation. You've mentioned you're of the Catholic faith. What about the position of your church? Has it supported you or has it—could you tell me about it?

Mr. O'Sullavin. Well, I am in no position to put myself in the position of the Cardinal, who I love dearly, and my church, who I love dearly. Were they as aggressive enough for me? No.

Commissioner Rankin. Okay. Thank you very much.

Chairman Flemming. Commissioner Saltzman?

Commissioner Saltzman. Mr. Sullavin—

Mr. O'Sullavin. O'Sullavin.

Commissioner Saltzman. O'Sullavin. That's what I said.

[Simultaneous discussion.]

Mr. O'Sullavin. You know—could I interject on that—

Commissioner Saltzman. Yes.

Mr. O'Sullavin. One night at the meeting—we have a beautiful lady, Talitha Waters, who has a boy, she's black, she has a boy at the high school and he is—I wish he were my own son, he's such a beautiful boy. And she's a real riot. So one night she says, "Isn't this beautiful how we can get along." I draw your attention to the "O'Sullavin." She says, "Look at us here now. We can sit down and we can yell and we can argue. I can yell at Mr. Sullivan over there." And I yelled out "O'Sullavin."

[Laughter.]

Mr. O'Sullavin. That's what I mean.

Commissioner Saltzman. Like you, I was astonished at the physical condition of the South Boston High School, and I'm not sure that Federal funds or their absence is the accountable reason, since, having visited other high schools, none of them were in such terrible disrepair as was the South Boston High School. It seems to me that the community of South Boston is getting the short end of the stick for some reason without their really being aware of this fact. How do you account for the serious decline in the quality of education and the condition of the physical facilities in contrast to the fact that this is not the case in other high schools?

Mr. O'Sullavin. Well, all I can use is my own example. I sent my children—my older son, Michael, went to Gate of Heaven High—grammar school right through the high school, went on to the Naval Academy. He's a flyer now out of Jacksonville.

I believed in the neighborhood concept. I was very smug in my parochial condition. I didn't worry about the city system. I didn't know what was going on up there because I wasn't directly involved. I wouldn't be here today if my Ellen hadn't gone up to Southy High into the L Street Annex, and what I found. Then I felt that—a conscious problem. I felt that this was my responsibility, that I—how did the schools get like this? And since then I've been yelling, ever since.

I'd like to make the point that the biracial council, as a result of our activities, and to the very good cooperation of the chief engineer of the Boston school system, Mr. Galliata, we have been well on the way of refurbishing that high school, and I say directly as a result of our asking him specifically to do it. And I think that Mr. Galliata has been waiting for somebody to take some personal interest in the Boston schools.

Commissioner Saltzman. Well, is it—again, I'd like to try to focus in. Was it the failure of the school administration in the school, or the failure of the parents to be concerned? What happened? Where was the failure?

Mr. O'Sullavin. Well, let me approach that from a business standpoint as a Gillette employee. If I want to get something done and I'm a manager, I put out what they call a purchase requisition. It goes up the line to the boss and he sees if we've got the dollars and he signs it and down it comes. That isn't the end of it. As—when it's determined when they'll do it, I'm notified. And then they'll tell me the day they're going to come and do it. And then they'll finally do it. And then I'll go and look at it. And if it isn't done right, I won't sign it until it is done right.

When I went to the South Boston High School, there were 50 requisitions similar to these dating back through 1973, '74, and part of '75 unattended. I asked—we, as a biracial council, if you will, asked Superintendent Reid, "What's the matter? You're the principal? Why aren't these things done?"

He says, "I have no control over them once they go in." Whether they come and do it, when they'll do it or how they'll do it, he is never informed, and therefore, if it's done, he finds out when he finds it done.

Now, this is no way to run a school. You certainly couldn't run a business this way. If the superintendent or the principal can't control what's being done and who's coming in and out of the school, it's got to be chaos.

COMMISSIONER SALTZMAN. Could you—I'm sorry, Mrs. Coughlin?

Ms. COUGHLIN. I just wanted to add to the question that you asked. I think the whole problem is there's so darn much red tape attached to it, by the time it goes up the line, somewhere along the line all these requisitions get lost, because back in 1961 I was the president of the Home and School Association at that time, and we needed painting so bad, so I got the members of our Home and School, and we went through the neighborhood and signatures signed. Well, when I got this many signatures, we got some painting done.

But until you force—and this shouldn't be—this should be an annual thing: "This year we're going to paint the hall. Next year we're going to do the auditorium."

And this is the way it should be, because there certainly is money in the school system for all these things, and if they did things when they needed to be done, the school would always be kept up, instead of letting it get lax like it has been.

MR. O'SULLAVIN. I'd like to mention now, when we went to Mr. Galliata's office he told us that before he had become chief structural engineer, the rule of the administration was to paint school rooms every 20 years. Now the rule is 8 years, but because of busing it's been put off to 10 years.

I paint my kitchen, reluctantly, every 3 years, and it still isn't clean enough.

COMMISSIONER SALTZMAN. Could you characterize for us the antibusing group with respect to these two issues: Who supports them and are there techniques and processes of opposing busing within the legal framework in your judgment?

MR. O'SULLAVIN. Mr. Saltzman, you lost me in that one. Could you express that a little more simply?

COMMISSIONER SALTZMAN. Okay. Who supports the antibusing group, and are there techniques of opposing busing within the legal framework, in your judgment?

MR. O'SULLAVIN. I know no—I don't know—of those who support the antibusing, I don't know if they have techniques. I haven't been close enough to even make such a judgment.

COMMISSIONER SALTZMAN. One final question: Mrs. Coughlin, what was your reaction when your daughter transferred to the McCormack midyear—in midyear?

Ms. COUGHLIN. Well, of course, she didn't transfer on her own authority. There again I made another mistake and got caught. I'm not one that can make mistakes without getting caught. Like all mothers, I think, or all parents, I tried desperately not to send my daughter to the McCormack School. So as a result, a whole year ago, before the busing became—you know, before the designated spots for the children to go came out, I reassigned my daughter to my husband's—my husband's—jeez, my son's house, who was relocated to—the name was the same. I was very sneaky. I was a little underhanded. I know now that I was. And—I thought I was, I should say.

So I did. I changed her address to his, figuring, "Hey, who's going to know the difference? Frances Coughlin, Frances Coughlin, you know." And by that way she would be assigned to the Gavin School instead of going out to the McCormack, where she would be bused and I would be petrified.

So because of my opening my big mouth and trying to get the kids back to South Boston High, it was brought to the attention of the authorities that she was sent to the Gavin illegally, shall we say, and in spite of the fact that it was her brother that she was living with, it didn't make any difference. They said that if she was not put out of the school, that they would throw a picket line around the school and boycott her—boycott the school, or something, I don't know just what.

But anyway, as a result, the very same day—and as far as Mr. McDonough was concerned, she was legally there. He had the correct—I was very smart, I thought. I did it early enough that—you know, you wouldn't know the difference. But—I thought I was.

So as a result, when I must have stepped on somebody's toes—I don't know whose toes I stepped on, because all I was concerned with was helping the schoolchildren, and because of that, this is what they did, and on that very day, my daughter was put out of the Gavin School.

So I was naturally hurt, because—now I get emotional—because, you know, these were local people who you wouldn't think would pick on a kid that wasn't 12 years old—well, at the time she had just turned 12. And I just didn't think it was fair, because I knew, as well as everyone else did, that there were many other people who changed their addresses for the same reason, but because I tried to implement the desegregation, so to speak, or to get the kids in school, she was put out of the school.

So I went down—I just didn't know what to do. I feel that the reason it was done was so that I would boycott my daughter and not send her to school at all, because I had come out so strongly that I am against forced busing, which to this day I still am, and I just couldn't boycott her. I didn't think it was fair to her to take a year out of her life by not sending her to school, so I went down to Mr. Bergen and I told him exactly what I did. I felt like a little kid telling, you know, telling him what you did, which I wasn't very happy with, and he had someone take me through the whole school. He was just very, very wonderful to me, and took me through the whole school, and to be perfectly honest with you, I had never put my foot inside the McCormack School. And so I really—I didn't know whether it was good, bad, or indifferent. But I had formed my own opinion that it wasn't good. You know how you do that without even knowing? So—and this is what I had done.

So everyone down there, the staff—well, they took me through the whole building and everyone was just wonderful to me, and I really felt—I felt very sheepish because I knew I had done wrong and I had to admit this to all these people that I had, you know, I had done wrong.

So, he said to me, "Well, why don't you bring Michelle"—you know—"bring your daughter down to the school," so I had to say to my daughter, "I'm just so sorry that this happened to you." And she said, "Well, Ma, I guess if you didn't open your mouth it wouldn't have happened," and I'm sure it wouldn't have. But she said, "I'll go down with you, you know, to look at the school," and here she is only 12 years old, and up until she went to school in September, I don't think she had ever even—ever talked to a black child, because, well, we just don't have any in the neighborhood, and she has never had any access. She got along with them down at the Gavin very, very well, and they were—really, they were sorry to see her leave the school. But because of the pressure she had to go.

So I took her down to the McCormack and they did the same thing to her. They treated her just as kindly and as wonderfully as they treated me. And she says to me, "Can I wait another couple of days, Ma?" And I says, "Yes, you can."

So as a result, we waited another couple of days, and she gets driven back and forth every day. That's the only way I could prove my point that I was against busing but still for education and against boycotting.

And this is the thing that I just feel so badly about, that there are so many children this year who have lost the whole year, and what they're going to do next year, I don't know, and it's so unfair, becuase what I feel it there are too many people who do not have children involved that are telling these parents, "Don't send your children." And it would be awful easy for me to tell you, "Don't send your child." Mine are going to a private school. It's very easy to do that. And I just don't feel that this is fair to the children.

But she is going and she did very well, and she climbed right up the ladder and she got along very well with the children, and the McCormack School—I have to tell you this—is excellently staffed, and it's immaculately clean, and everybody is just really most cooperative. They don't take any bull from anybody. I pick her up every day at 2:30. I pick her up. And every day I go in the school and pick her up.

Chairman Flemming. Thank you very much.

Commissioner Ruiz?

Commissioner Ruiz. I just want to say I have a great deal of respect for constructive grass roots activists such as you are, who expose themselves, oftentimes, for their moral convictions, to hostility. I personally observed the spirit you've shown here in other parts of the country upon the part of volunteers in every phase of our American society, which really holds our country together.

Both of you have reinforced my faith in those persons who are willing to give and take to make a quality education within the reach of all of our youngsters. I appreciate and we all appreciate very much your testimony and your time.

Chairman Flemming. I'd like to join with Commissioner Ruiz in his comments, and express to both of you our appreciation for being with us and providing us with these insights. Thank you very much.

Counsel will call the next witnesses.

Mr. Stocks. Carl Spence, Frank Pederson, Bill Hanrahan, and Nancy Yotts.

[Whereupon, Carl Spence, Frank Pederson, Bill Hanrahan, and Nancy Yotts were sworn by Chairman Flemming.]

TESTIMONY OF CARL SPENCE, DIRECTOR, SOUTH BOSTON ACTION COUNCIL; FRANK PEDERSON, DIRECTOR, YOUTH RESOURCE CENTER; BILL HANRAHAN, DIRECTOR, SOUTH BOSTON COMMITTEE OF COMMUNITY AGENCIES; AND NANCY YOTTS, SOUTH BOSTON INFORMATION CENTER

Chairman Flemming. Thank you, and we appreciate your being with us.

Mr. Stocks. Will each of you please state your name, address, and occupation for the record?

Mr. Spence?

Mr. Spence. My name is Carl Spence. I'm the executive director of the South Boston Action Council, and my address is Wampatuck Road in Hingham.

Mr. Stocks. Mr. Hanrahan?

Mr. Hanrahan. My name is William Hanrahan. I am the president of the South Boston Committee of Agencies, probation officer for South Boston's court, president of the Bay Cove Mental Health Area Board. My address is 1792 Columbia Road, South Boston.

Mr. Stocks. Mrs. Yotts.

Ms. Yotts. My name is Mrs. Nancy Yotts. I'm a parent. I'm a volunteer at the South Boston Information Center, and I'm on the executive board of the South Boston Information Center.

Mr. Stocks. Thank you.

Mr. Pederson?

Mr. Pederson. My name is Frank Pederson. I'm director of the youth resource center, youth activities commission of Boston. I reside at 66 Bradwood Street in Roslindale.

Mr. Stocks. Thank you. Mr. Spence—

Chairman Flemming. Pardon me. I gather that there is counsel present. If so, I'd like to have him identify himself.

Mr. Dinsmore. My name is Attorney Robert Emmett Dinsmore, and my offices are located at 31 St. James Avenue in Boston, and I'll be representing here today Mrs. Nancy Yotts.

Chairman Flemming. Thank you very much. Happy to have you with us.

Mr. Stocks. Mr. Spence, would you please describe your organization, the South Boston Action Council.

Mr. Spence. Yes, sir. South Boston Action Council is a multipurpose agency funded by the Federal Government, State and city, to operate different programs under the auspices of what has been termed community action. The programs include elderly programs, Headstart programs, youth programs, manpower training, development and placement programs, drug addiction abuse education programs, and juvenile delinquency prevention.

Mr. Stocks. You indicated that your organization is funded both by Federal, State, and city operations?

Mr. Spence. That's correct.

Mr. Stocks. What role did the South Boston Action Council play in the desegregation of the schools in Boston in Phase I?

Mr. Spence. The action council plays and has played no direct role because it feels, as most of the agencies in the community do, that its prime responsibility is to provide services as outlined in the funding grants that it administers. And in order to provide those services it must maintain a status with the community that will not alienate potential clients.

However, the staff of the action council have been requested, through the committee of agencies, by the police and the courts and the school administrations, to use the facilities that they have on an ongoing basis, such as the youth programs, their youth workers, use this rapport to try to diminish if at all possible any problems regarding violence that might arise with desegregation.

Mr. Stocks. Was this program out of the mayor's office that you were working on, in coordination?

Mr. Spence. The coordination of the efforts that were undertaken was done by the South Boston Committee of Community Agencies at the request of the police, the area superintendent of schools, and the justice of the local district court.

Mr. Stocks. Was this also a project that the little city hall in your area participated in?

Mr. Spence. That's correct.

Mr. Stocks. Did your organization take any action to survey the parents that you—the adults that you serve to determine what their interest was in desegregation, and if so, what did you find?

Mr. Spence. On an informal basis, we would—we would in the normal course of our activities with parents, be made aware—and I put it that way so that the Commission would not be under the impression that we took a formal survey, but in the course of our normal actions, parents would make us aware of their concerns, pro or against sending their children to school.

And—I'm sorry, I forgot the second part of the question.

Mr. Stocks. Well, when you became aware—and I would like if you could elaborate a little bit—you said you became aware without a formal poll. Could you give me some idea of how you did make the determination as to what the community that you serve wanted vis-a-vis desegregation?

Mr. Spence. Okay. That's a little bit different. I hope I can make myself clear. I don't think it's difficult to have understood back at the beginning of the school year, or for that matter, 10 years ago, what the South Boston community's views were regarding desegregation. The issue of community schools has been a prominent issue in that community for at least 10 years.

When I spoke about the fact that we were receiving information from parents, it was in respect to the court order from Judge Garrity vis-a-vis the location of their child's assignment. And if this meant that their child would be taken outside of the community, they asked us to play an intervening role in finding out what this would mean for them in terms of safety, because ours is one of the few agencies in the community that has had for 8 years an ongoing relationship with the black sections of the community, because we are under an umbrella organization that deals with all of the city's communities.

They asked us to play a role in being liaisons with the schools, and in many cases our workers were asked to escort parents to schools with which they weren't familiar, introduce them to the principals, and see if it was possible, through some kind of a dialogue, to ease the parents' fears regarding sending their child to school.

In the cases of parents whose children were assigned to South Boston schools, we were asked later on, after the beginning of school, to play the similar kind of role with parents who thought that maybe it was not in the best interests of their children to continue a boycott of the schools, and wanted additional information so that they may be able to make up their minds. And to that end we simply, again, became liaison with the school officials.

Does that answer your question?

Mr. Stocks. Yes. Could you give me some idea of the number of parents that you had this kind of contact with?

Mr. Spence. The parents that I'm speaking of would range, I would venture, in the area of 200 to 300 at different times.

Mr. Stocks. All right. Did you play any direct role in the community when there was violence in the first opening days of school?

Mr. Spence. Yes.

Mr. Stocks. Would you describe that role for us?

Mr. Spence. Okay. Part of the role that myself and members of my staff were asked to play was—well, twofold. This is by the police, now. One, to take an active position in trying to calm violent influences within the youth of South Boston, primarily by people who—our workers who had had a rapport with these youths. That effort failed almost totally, because, as we had not planned, the nature of the activities that occurred when school opened was such that nonprofessional law enforcement modes would not work. In other words, youth workers couldn't deal with crowd control.

The other role that we were asked to play by the police and by the school department and the courts was to establish and maintain as sophisticated as possible, under the circumstances, a mechanism for providing quick information to the parents of both communities involved in the schools in South Boston, which—three communities, really, the South Boston, Columbia Point, and Roxbury.

We were asked to provide some sort of a vehicle for information back to the parents. And so to this end, all of our youth workers were informed that they should call a specific number that I'm in—there was a method that was established to collect this data and then transmit it to those three communities.

MR. STOCKS. Does your organization have a community-based board of directors?

MR. SPENCE. That's correct. It's a board made up of residents from all of the geographical areas of the community with at least 55 percent representation from the low income.

MR. STOCKS. How many of those are from South Boston as opposed to Columbia Heights or other parts?

MR. SPENCE. They're all from South Boston. They have to be by the bylaws.

MR. STOCKS. Have any of them—how many are there on that board?

MR. SPENCE. It's a 32-member board.

MR. STOCKS. Has the board taken any action or advised you as director of the action council as to what, if anything, you could do on school desegregation through your agency?

MR. SPENCE. The board specifically discussed whether or not it should take an official stand, and decided that it was in the best interests of the programs not to.

MR. STOCKS. Okay. No further questions at this time.

Mr. Pederson, are you—you're the director of the youth resources center in South Boston?

MR. PEDERSON. Yes, I am.

MR. STOCKS. Is that a city agency?

MR. PEDERSON. Yes, it is. It's part of the youth activities commission.

MR. STOCKS. What precisely does it do?

MR. PEDERSON. The basis of our agency is street work—upon a street work level. We have workers within the South Boston area that work with cases. These cases are picked up from the police, schools, and courts.

MR. STOCKS. Are these social workers?

MR. PEDERSON. Professionally, no. A number of our workers do have degrees. Some of our workers have masters.

MR. STOCKS. What type of services do they try and provide?

MR. PEDERSON. Essentially it's a one-to-one type of counseling. We have educational and vocational counseling.

MR. STOCKS. Did your organization play any specific role in school desegregation in Phase I?

MR. PEDERSON. Yes, they did.

MR. STOCKS. Would you describe that role.

Mr. Pederson. The role of the youth activities commission in South Boston and to other parts of the city was one of a safety factor. We felt that there were enough people in pro and con for busing, and not enough people were doing—weren't doing enough to deal with the safety factor involved.

Mr. Stocks. What specifically did you do that related to safety?

Mr. Pederson. During the summer of '74 the youth activities commission started what is known as the SIP program. And these are "school involvement people." They worked on a black and white team in different schools in South Boston. These people contacted the kids that were going to be going to both South Boston High School, the Gavin School, the Mackey School, the Hart, Dean, and the L Street Annex.

Mr. Stocks. All of these schools are in South Boston?

Mr. Pederson. The Mackey School was not in South Boston, but it did encompass kids from South Boston.

Mr. Stocks. The others are in South Boston.

Mr. Pederson. Yes, they are.

The idea—the workers now made themselves known to the youth and to some of the parents, telling them that they would be in the schools, to let them know that they could be of any assistance to them in the upcoming school year.

Mr. Stocks. What types of assistance would they be to a student? I mean, what did you anticipate your workers would be doing?

Mr. Pederson. Well, the first thing that I had hoped the workers could do would be to solve—or not solve, but to bring down the violent element that we thought might be coming up in September. They worked, again, on a one-to-one basis with the kids that they knew within the South Boston area. They worked on a one-to-one counseling basis. Any problems that might come up within the school, as far as class assignments, were they in the right school, any problems that the parents might have as to what schools the children should be attending.

Mr. Stocks. Did your organization have any role in providing any kind of services, or was there any preparation for dealing with adults, that you know, since you're primarily oriented towards youth activities?

Mr. Pederson. No.

Mr. Stocks. Was there any planning—did you participate in the little city hall planning in South Boston?

Mr. Pederson. Yes, I did.

Mr. Stocks. Were there any plans to deal with adult problems discussed during that process?

Mr. Pederson. That was handled more by the police than the little city hall at the time.

Mr. Stocks. But your activities were limited to the youth.

Mr. Pederson. Yes, they were.

Mr. Stocks. Would you characterize your activities in controlling the youth or providing services to the youth during school desegregation as successful or unsuccessful?

Mr. Pederson. To a certain extent successful.

Mr. Stocks. Would you care to elaborate a little bit on that?

Mr. Pederson. Well, I think our workers did—they came across problems with kids that had intended to start trouble, and the trouble was not—didn't take place. But they were particular youths. We couldn't reach all the youth of South Boston, but we did reach a sizable number, I would say.

Mr. Stocks. Was there a problem with some of the youth that you did not reach, in terms of violence in South Boston?

Mr. Pederson. Yes, I would say so.

Mr. Stocks. Was it primarily a youth problem?

Mr. Pederson. That's hard to say. Now, when you say "primarily a youth problem"—

Mr. Stocks. Would you say the violence was mostly perpetuated by youths or by adults, since you were working with the youths?

Mr. Pederson. I think there was a mixture of both.

Mr. Stocks. What plans does your organization have for school desegregation in Phase II?

Mr. Pederson. None at this time, due to Judge Garrity's ruling on the citywide coordinating council, the plans for busing this coming year, the transportation process. They haven't been released yet, and our agency hasn't put any plans together at this time.

Mr. Stocks. Have you been notified of any meetings of similar youth resource centers around the city to discuss this Phase II?

Mr. Pederson. Not at this time.

Mr. Stocks. So that you have no information at this point, no plans at all as to what your agency will be doing in Phase II.

Mr. Pederson. Not at this time.

Mr. Stocks. Thank you. Mr. Hanrahan, would you please describe your community activities in South Boston.

Mr. Hanrahan. I'm sorry. That's a very broad question.

Mr. Stocks. Well, would you describe your agency, first.

Mr. Hanrahan. In terms of the agency itself, it's a consortium of various community agencies that exist within the community, has long existed. Its principal purpose is primarily to bring programs together in order to develop collaborative programs in order to avoid duplication of services, as well as give greater depth and dimension to the kinds of services that we are providing and have long provided to the community.

In essence the committee exists primarily to demonstrate to the funding sources, namely that agencies can work collaboratively together to develop programs which are nonthreatening to each agency, to demonstrate to the funding sources that there is a willingness to cooperate among agencies providing those services requisite within the community, as well as to present to, again, the funding sources, a reasoned argument that we do need in South Boston more services to meet ongoing needs within the community which are absolutely imperative. If they are overworked, if those needs aren't recognized, if they aren't met, the community itself will suffer very severely.

Mr. Stocks. What did your coordinating council do in regard to school desegregation in Phase I?

Mr. Hanrahan. In Phase I a member of the committee came to us—his name was Captain Bradley, known as Deputy Bradley—asked us for our help. Would we support him. He went back to a situation that existed, I think, a year prior. The timeframe somewhat escapes me. There were so many meetings over the course of the summer.

But we did have a situation in Andrew Square wherein various agencies turned out their staff, they got them down to Andrew Square very fast, worked in conjunction with the police, with the school department, in order to act as counterface before something developed. I think this incident might not have involved any more than 75 to 150.

But it was on the basis of that model prototype and the degree to which the streetworkers, the agency workers, the staff members associated with the drug program, came out, were able—knew the kids, were able to talk to them, to interact with them, calm them down, and simply say, "Hey, your presence is sort of part of the problem. Go away, drift off. Otherwise we will have a major situation that we cannot control." This was the basis of the commitment that the South Boston Committee of Agencies made to the Boston Police Department at their request, namely, that we would attempt to play that same role again.

However, what happened in the course of the summer, we all assumed that that would be our role. We discovered when school opened that frankly, we were not able to fulfill that role. That role was never materialized. Very quickly, very quickly it became not the low profile wherein we thought we could put kids out, talking to peers, and hopefully hold down the potential for violence.

We were frankly very happy that the size of the crowd was not as great as it was. I think to a degree, the community has—and I think this point has to be made—the community has kept its head, it has been, apart from incidents well known to the Commission, I'm sure. The committee—I can't say that it is to the credit of the committee, but it's to the credit of the community that they were able to hold down the potential for violence.

Mr. Stocks. Did your agency decide prior to school desegregation to work with youth primarily?

Mr. Hanrahan. When the request was made to us by the Boston Police Department, it was a general assumption that that agency—and one of the member agencies was Mr. Pederson's youth activities commission—namely that they had a large capability. Some agencies just don't have any capability whatever.

It was the chief responsibility of the youth resource center, youth activities commission. What we did in that regard was to hold meetings with the youth activities commission. We asked the director of the youth activities commission, Paul McCarthy, to come down to assess the situation, to determine the capabilities which the South Boston Resource Center had. We asked him that if the safety and security of the community is to be kept, would he assign and build up a staff of the resource center. And he did agree to do that.

Mr. Stocks. But you did decide to primarily concentrate on youth.

Mr. Hanrahan. Primarily youth and—well, one can't say that insofar as that rather restricts a very complex situation. My own function as probation officer was to be present at the school every day, 7 a.m. on, 6 weeks, until State troopers came in, to accept the situation, to discover what was happening, was the court prepared and geared up for a potential situation wherein the whole court calendar for that day might be totally, you know, disrupted in terms of a mass arrest and the like.

I was monitoring that situation for the court as well. I think my presence there as probation officer had a particular significance, a very quiet one, but the presence was there, which is indefinable. The court's presence was there. But again, in no way was anyone in a sense being, you know, coerced, threatened or, you know, this sort of thing.

Mr. Stocks. Can you explain why, given the council of agencies and all the various agencies participating in your organization and through the youth activities, that there was no concerted effort to plan and involve adults in the South Boston community for school desegregation?

Mr. Hanrahan. This I think Mr. Spence spoke to earlier. The committee of agencies is a new agency, just getting itself together. It's represented essentially by agency directors, the assumption being that they do speak for their advisory councils, and they bring the word back to the advisory councils—I think Mr. Spence said something like 35 or what have you. The committee itself does not have direct input from parents.

Mr. Stocks. Okay. Thank you.

Ms. Yotts, would you tell us what the South Boston Information Center is?

Ms. Yotts. The South Boston Information Center is a private organization.

Mr. Stocks. What does it do?

Ms. Yotts. I have been questioned by the FBI. I have received threatening phone calls. I plead the 1st, the 4th, the 5th, the 6th, and the 14th amendments.

Two ladies already threatened with contempt. A plaintiff in a civil action now pending in the Federal courts in the case of *James Kelly et al.* versus *Gregory Enright et al.*, and I do not wish to violate any Federal district court rules.

Chairman Flemming. It's my understanding from your response that you do not desire to be questioned further. Is that correct?

Ms. Yotts. Yes, sir.

Chairman Flemming. You have cited certain reasons. I'm going to ask you, in cooperation with your attorney, if your attorney would give us a memorandum by the—say, by 5 o'clock today, setting forth your reasons. And in the meantime the subpena will remain in force. But the Commission will be very happy to consider those reasons, take them under advisement, but I think it would be helpful to us if you could give us a memorandum—I'm not asking for a brief, but at least give us an informal memorandum setting forth the reasons.

Mr. Dinsmore. May I respond?

Chairman Flemming. Yes, you certainly may.

Mr. Dinsmore. Mr. Chairman, at approximately—

Mr. Stocks. Would you speak into the microphone.

Mr. Dinsmore. Thank you. At approximately 4:15 or 4:30, I anticipate that I'm going to be back before you with another witness. Is it possible, sir, that if I now orally more definitively set out the reasons why this woman most respectfully declines to testify, would that suffice?

Chairman Flemming. You can do that. I think it would be helpful to us—I'm not being dogmatic about 5 o'clock—I mean, if you could do it some time tomorrow, say by noon tomorrow, this would be satisfactory from our point of view. We would like to—

Mr. Dinsmore. I will try, but I anticipate I will also be here tomorrow afternoon with another individual.

Chairman Flemming. Well, if you can suggest a reasonable time, why we're here tomorrow, we're here Friday, and if you can suggest a reasonable time in which to do it, that's okay from our point of view.

Mr. Dinsmore. I would have it filed before 2 o'clock Friday afternoon, if that is—if that is—today is Wednesday, is it not? I've lost 11-1/2 hours on an airplane coming in here, so—

Chairman Flemming. We would—if you could do it by 5 o'clock on Thursday afternoon so that we have the opportunity of taking the matter under advisement on Thursday evening—you see our position there.

Mr. Dinsmore. I most certainly do.

Chairman Flemming. And I'm not—again, I'm not asking for a formal brief in the sense that you might present one to the court, but just simply give us a memorandum setting forth your reasons, and if you could have that here by 5 o'clock tomorrow afternoon, then we could take it under advisement and advise you on Friday morning.

Mr. Dinsmore. Mr. Chairman, may I orally briefly state the lady's reasons? Would that be okay?

Chairman Flemming. Yes. If you will—

Mr. Dinsmore. Very brief.

Chairman Flemming. If you will supplement it with a memorandum.

Mr. Dinsmore. I will.

Chairman Flemming. Okay. You may proceed.

Mr. Dinsmore. Mr. Chairman and Mr. Commissioners, this young woman has cited several very important constitutional amendments. You should be advised that a short time ago, two women who are extremely close and friendly with this young woman, namely Rita Graul and Virginia Sheehy, were brought into the Federal district as a result of an order of Honorable Judge Garrity. And at that time they were forced to attend a deposition. They were accused of allegedly participating in an illegal activity, and as a result they rested upon their constitutional rights, refusing to testify, and what's happening now is that there is evidently a decision made—being made as to whether or not there will be a move for contempt of these ladies.

The problem seems to be, from the point of view of my client, that even when your newspaper articles or your news media in Boston reports an incident, that what's been happening is that those incidents have been taken as true. As a result of some incidents that were reported in the paper, these two ladies that I've just mentioned to you, found themselves before a Federal judge.

Even though this agency, most respectfully, is one of information gathering, the position that uncomfortably I think you might find yourself, is that a statement made here by Mrs. Yotts obviously will be reported in the Boston press, and Mrs. Yotts might find herself the recipient of another court order, or possibly, through a misimpression, the object of a prosecution.

She's already been questioned by the FBI. There have been polygraph tests run on people from South Boston. There have been a number of people in South Boston questioned by the FBI.

The other point that I would raise is this, and this is getting back to the legal proceeding: She answered in direct response, the South Boston Information Center is a private organization. And one of the questions that I have in my mind is the authority of the agency, of the Commission, to go into the workings of a private organization. I don't think, frankly, that it would be on sound ground to allow this to happen, because it's not—there are no funds involved, Federal funds or anything else. This is a private organization.

I will cite cases, and I'm quite sure that my brother there is familiar with these cases, in support of my position.

Chairman Flemming. In the interests of time, could you cite those cases in the memorandum?

Mr. Dinsmore. United States—Catera [phonetic] versus Elios, E-l-i-o-s, 465 Federal 2nd, 7-65—

Chairman Flemming. My suggestion is, if you would cite the cases in the memorandum that you're going to give us tomorrow, just in the interests of conserving time here.

Mr. Dinsmore. Sir, I most certainly will.

Chairman Flemming. Okay.

Commissioner Horn. Mr. Chairman, could I also ask if you would deal with the question as to whether your client could give such testimony to the Commission in executive session, and knowing that the Commission would not reveal that transcript in public, but as you say, we are an information gathering agency and we're in search of information. Just in your memorandum.

Chairman Flemming. Yes. If you would do that. I don't know how familiar you are with the rules of the Commission, but there is provision made for executive session under certain circumstances.

Mr. Dinsmore. I have made the Commission a study—

Chairman Flemming. Okay.

Mr. Dinsmore. —in the last few days.

Chairman Flemming. If you were to address yourself to that part of the rules in the memorandum also.

Mr. Dinsmore. The only other point I would raise is this, and this is really from my client: The impact that this hearing has—and I think the words are "chilling effect"—and it has a chilling effect on the first amendment. There are people that have called asking for advice scared out of their wits: "Can I continue to speak out, Mr. Dinsmore?" The first amendment says you can. But this has an inhibiting effect, in my opinion, and I will also go into that, hopefully, in that memo.

Chairman Flemming. We appreciate it very much.

Mr. Dinsmore. And thank you for your courtesy.

Chairman Flemming. Thank you, sir.

We'll now proceed—do you have any further questions, other members of the panel?

Okay, Commissioner Ruiz?

Commissioner Ruiz. Bill Hanrahan. Did you teach school in New Mexico?

Mr. Hanrahan. Yes, I did.

Commissioner Ruiz. Where in New Mexico did you teach?

Mr. Hanrahan. University of New Mexico.

Commissioner Ruiz. About 40 percent of the population are Spanish-speaking background, and I believe you became aware of that while you were there.

Mr. Hanrahan. Quite fully aware.

Commissioner Ruiz. A good portion of the population are native American Indians who were here in the United States before the Pilgrim fathers arrived here in Boston. Do you recall that?

Mr. Hanrahan. I'm fully aware of that too, sir.

Commissioner Ruiz. And traveling around you have undoubtedly learned that the United States is made up of many ethnic strains?

Mr. Hanrahan. Quite so.

Commissioner Ruiz. Did you have any experience within any black community where you may have resided, or in New Mexico, where you taught, where the local racial or ethnic community felt that it was its turf, in the sense that you were not welcome in the community, nor participate in its public institutions and should stay out?

Mr. Hanrahan. No. I think when I was asked earlier to identify myself, I used a number of different titles I do have. I'm president of the Tufts Mental Health Area Board. That area includes the combat zone, Chinatown, Columbia Point, North Dorchester, South Boston. I'm fully aware of the particular ethnic groups involved, fully aware of their needs, fully—have full access to each of those communities in terms of attempting to discover what those needs are and asking the State department of mental health and every agency that would be involved to immediately respond to those particular needs.

Commissioner Ruiz. Have you felt antagonism by virtue of your ethnic background from those communities?

Mr. Hanrahan. No. In no way whatsoever. They all are fully in—I think—agreement, namely that our role is that of being a service provider. Whatever the needs are we respond to them, no matter what is the particular constituency, no matter what is the ethnicity of the group.

Commissioner Ruiz. How can your personal experiences, Bill, in this area that I've mentioned, be conveyed to your neighbors who are indeed moral and upright American citizens?

Mr. Hanrahan. Well, let me give a private feeling on that. It seems to me that the community, if I'm to speak to it from a South Boston point of view, is, as you've already recognized, moral, upright, understanding. I think I mentioned earlier, I don't believe the degree of moderation and tolerance and forbearance within the South Boston community has been fully recognized. Problems could have been much more intense, had it not been for the combined efforts of many people within the community to do so.

We do so perhaps in our own quiet private way of simply being those people available to provide services which do help. But to, in a sense, politicize us, which in essence is what would happen, would take us out of that neutral role while we wish to perform, which the agencies have performed for 70 years, for a hundred years. If we do become involved in the—to make that decision in terms of our agencies then become probusing, antibusing, would be a disservice to the community, to all the communities, insofar as the needs do exist which have to be addressed and met. We have to maintain, I believe quite firmly, that there is a value in being neutral in this regard.

Commissioner Ruiz. Now, from this objective vantage of neutrality, which you've explained—the other day my colleague, Commissioner Rankin, who is the southern white on the Commission, described the feelings of the southern white on his own turf on desegregation in public education, all of which he stated was accomplished 10 years ago. Now, is there anything unique about Boston which makes it different than those areas of the South that I have made reference to?

Mr. Hanrahan. I do believe quite frankly that there is that sense of neighborhood, that sense of identification with neighborhood. Again, the role that I play in terms of a member of the committee of agencies, is to recognize the strength of those agencies comes from the community, their identification with the community.

What is very special about it is that it is a particular neighborhood, what they call the mystique of South Boston, indefinable, I'm sure I'm part of it, I couldn't isolate it out and describe it. But it is part of the South Boston attitude, frame of mind, and response. And there is something very special, however one wishes to describe it, however one wishes to call it, that I don't think—the name-calling does permit the—that community itself to get that reading which should be—ought to be heard to the degree that I think it should be heard.

Commissioner Ruiz. Given what Bill Hanrahan has just stated with respect to this feeling of unity, perhaps I'd like to toss the ball over now to my colleague Commissioner Rankin, and ascertain whether there aren't any differences.

Commissioner Rankin. I'm afraid I muffed that forward pass. I'm sorry—I just didn't have any questions to ask you.

Chairman Flemming. Do you want to question anyone else?

Commissioner Rankin. Oh, just Mr. Pederson. Just one question. Do you think South Boston community has been treated fairly?

Mr. Pederson. In what respect, sir?

Commissioner Rankin. By the political leaders of the city? I'm putting you on the spot. I realize that—

Mr. Pederson. Yes.

Commissioner Rankin. —and maybe you won't want to answer it, but I thought you might say how you felt about that.

Mr. Pederson. I'm sure you're talking about with respect to busing?

Commissioner Rankin. I don't limit it. You can talk in any way.

Mr. Pederson. It's a tough answer. A tough question.

Commissioner Rankin. I think you've pretty well answered it. That's all I have.

Chairman Flemming. Commissioner Saltzman?

Commissioner Horn.

Commissioner Horn. Let me ask Mr. Pederson, we've heard a lot over these years—and you're particularly involved in working with youth—about violence occurring in American public schools, particularly high schools. What have you seen in South Boston prior to Phase I of the desegregation order, as far as youth violence, youth unemployment, etc.?

Mr. Pederson. As far as youth violence, I haven't seen that much in South Boston.

Commissioner Horn. No fights occurred in South Boston? As a half-Irishman I can't believe it.

Mr. Pederson. Well, I thought you were comparing the number of fights, incidents that might have happened this past year as opposed to—

Commissioner Horn. No, I'm talking about before this year.

Mr. Pederson. I think there've always been fights in schools, be they in South Boston, English High School, any school in the country.

Commissioner Horn. Have you seen a noticeable increase, the same, or a decrease this past year?

Mr. Pederson. I would say an increase.

Commissioner Horn. Is that from the youth or parents on the sidewalk, or what?

Mr. Pederson. I would say the youth.

Commissioner Horn. What do you think the cause is?

Mr. Pederson. To give you that answer, I'd probably have the solution to the problem. It's tough to say, very tough to say, Mr. Horn.

Commissioner Horn. How much unemployment exists in South Boston among the white youth?

Mr. Pederson. It's high. Very high.

Commissioner Horn. Thirty percent, 40 percent?

Mr. Pederson. I would say between 30 and 40 percent, yes.

Commissioner Horn. Because black teenage unemployment in the center city Philadelphia, and underemployment, is about 63 percent. So I'm just wondering if this is a causal relationship to people standing on streetcorners and hurling stones.

Mr. Pederson. Definitely.

Commissioner Horn. Now one last comment, and if you want to react, okay, but I got it from Mr. Hanrahan's last answers. He mentioned the strong sense of neighborhood as a uniqueness to Boston, in answer to Commissioner Ruiz's question. Earlier witnesses today pointed out the really terrible condition of the South Boston High School prior to desegregation. Mr. O'Sullavin said he almost cried when he saw it, that when he graduated from there in 1940 you could eat off the floor, and yet, an all-white high school prior to desegregation, is described—and various Commissioners have visited it—as a mess, not properly repaired. A school bureaucracy is described where requisitions for work pile up and you never know what happens.

What concerns me is if there's such uniqueness of neighborhood in South Boston, how come you can't get more action out of your political institutions such as the school committee, the city, the State, whoever determines where governmental funds go to put a school in proper condition, so an educational program can be conducted. Do the neighbors just don't care, they've got strong feelings but they don't go out to school board meetings or school committee meetings, or home and school association, or what?

Mr. Pederson. I think the priorities lie in other places, that being rather than the physical condition of the school, the issue of busing.

Commissioner Horn. This is before busing. Apparently South Boston High School was described as a mess prior to busing. Now, was that an inaccurate statement?

Mr. Pederson. I don't think this condition solely exists in South Boston. I think it's throughout the city, the schools that I've been in.

Commissioner Horn. Usually you find if neighbors and people really care at the grass roots, political leaders who allocate funds will be responsive. I'm wondering, where is this translation from uniqueness of neighborhood into political action by the white community?

Mr. Hanrahan. May I respond?

Commissioner Horn. Yes.

Mr. Hanrahan. To this degree that one of the reasons for—one of the reasons for the committee of agencies coming together is precisely to meet that need. I think frankly that there is an assumed strength, political strength that people attribute to South Boston, namely the powers, they have access to political power, that does not translate itself back into the community. It's throughout there. Our school buildings are some of the oldest in the city. That which we have begun in the city has in no way been returned back to South Boston.

Commissioner Horn. Thank you. In summary—

Mr. Hanrahan. The reason for our coming together in the committee of agencies is to demonstrate the fact that—namely, that that is a mythology in and of itself. Namely, that we have so much political clout that we can get everything we—we don't have to go to private funding sources, they think. We have to, in fact.

Commissioner Horn. In summary, South Boston was had prior to desegregation; is that fair?

Mr. Hanrahan. South Boston had 150 years of history of being had when it was first annexed to the city of Boston.

Commissioner Horn. Thank you.

Chairman Flemming. Thank you all very much.

Just to make sure there isn't any misunderstanding, I would like to address these comments to Ms. Yotts and her attorney. You understand the subpena remains in effect, and we would specify that Ms. Yotts should be back at 9 o'clock Friday morning, at which time the Commission, having taken under advisement, your memorandum, will indicate what its conclusions are.

Voice. Mr. Chairman, has the *Boston Globe* filed a memorandum with you?

Chairman Flemming. I am sorry, your question is not in order.

I am addressing myself solely to—I am addressing myself solely to the issues that you have raised on behalf of your client. If you want to make any comments in your memorandum, you are free to do that. All I am—I just want to make clear that the subpena is still in effect, and that, as I indicated, when we receive your memorandum, we will take it under advisement.

We will advise your client and you at 9 o'clock on Friday morning as to our conclusions. I don't think we need to engage in any further discussion on it at this point.

If there is need for further discussion, it can take place at that time.

Thank you all very much for being with us, and for the contributions you have made. Counsel will call the next witnesses.

Mr. Alexander. Dr. Reid, Ms. Dazzi, and Mr. DiMaggio.

[Whereupon, William J. Reid, Joan Dazzi, and Frank DiMaggio were sworn by Chairman Flemming.]

Chairman Flemming. Thank you, we appreciate your being with us.

TESTIMONY ON BEHALF OF SCHOOL ADMINISTRATION AND FACULTY, BY WILLIAM J. REID, HEADMASTER, SOUTH BOSTON HIGH SCHOOL; FRANK DIMAGGIO, TEACHER; AND JOAN DAZZI, TEACHER AND GUIDANCE COUNSELOR

Mr. Alexander. Starting with Dr. Reid, would you each identify yourself for the record and give us your position within the school system.

Dr. Reid. William J. Reid, headmaster, South Boston High School.

Ms. Dazzi. Joan Dazzi, teacher and counselor at South Boston High School.

Mr. DiMaggio. Frank DiMaggio, teacher, South Boston High School.

Mr. Alexander. Dr. Reid, how long have you been with South Boston High School now?

Dr. Reid. I have been there 10 years.

Mr. Alexander. As headmaster?

Dr. Reid. As headmaster.

Mr. Alexander. Prior to that, where were you in the school system?

Dr. Reid. Prior to that I was head of the Neighborhood Youth Corps for the city. Then I was at Hyde Park High School for 14 years and Teachers College at the city of Boston, the Jeremiah E. Burke, and the Donald McKay Intermediate School.

Mr. Alexander. Dr. Reid, there have been a number of comments about the physical condition of South Boston High School. Would you agree with those comments that the school is physically rundown?

Dr. Reid. I would agree 100 percent.

Mr. Alexander. How would you explain that?

Dr. Reid. Lack of money and the inertia of bureaucracy.

Mr. Alexander. Have there been constant requests from you to the school authorities to repair or rebuild South Boston High School?

Dr. Reid. There have, sir.

Mr. Alexander. Have those requests been specifically turned down, or just never responded to? What is—

Dr. Reid. More never responded to. Of course, some have been responded to, in all fairness to those parties concerned.

Mr. Alexander. Has South Boston High School, prior to this academic year, been an overcrowded institution?

Dr. Reid. Very much so.

Mr. Alexander. What is the student population?

Dr. Reid. 2,200.

Mr. Alexander. And what was the school's capacity?

Dr. Reid. Public safety capacity was 2,200 in two buildings; 1,800 at the main building and 400 at the L Street annex.

The public safety certificate was finally raised to 1,800, but the public safety certificate depends upon exits, and width of aisles and staircases, that sort of thing.

Mr. Alexander. How would you characterize the type of education philosophy in that high school? Is it an academically oriented high school? Do many students go on to college, or to specific trades? What type of student body has historically been going to South Boston High School in terms—

Dr. Reid. The community student body, the youngsters who represent the community. Not the outstanding students, they go to the Latin schools or to the Catholic schools. But the rest of the youngsters, who want a good education; those who don't want an education and are forced to go; and some who are in the vocational end of things.

But I would like to correct any statement that there isn't quality education. I sent my daughter to South Boston High School, and we don't send our children to schools that don't give good education.

Mr. Alexander. How many students, approximately, out of South Boston High School would go on to a college oriented school?

Dr. Reid. Approximately one-third of the student body goes on to further education. Half of this to degree-granting institutions.

Mr. Alexander. Has there been a long history of community involvement with South Boston High School, or are there many parents always involved with the schools through the Home and School [Association] or through other community organizations?

Dr. Reid. Athletically speaking, yes. Otherwise, no.

Mr. Alexander. Has this happened fairly consistent in the 10 years that you have been there?

Dr. Reid. Yes, sir.

Mr. Alexander. When did—I assume in December of 1973, as everyone else, when the State court issued its decision under the racial imbalance law that South Boston would be included under that plan that became later known as Phase I, that you were then aware that South Boston High School could most probably be undergoing desegregation in the fall of 1974, is that correct?

Dr. Reid. I, personally, would say so, but the community didn't believe it.

Mr. Alexander. Were there meetings between you and members of the community at that time?

Dr. Reid. All through the spring, sir.

Mr. Alexander. When did these meetings start, and who held them?

Dr. Reid. Around March or so, the clergy held them, Home and School held them. We met over in the Savin Hill area, discussed them with groups there, with maps, charts, information that came from what is now Phase I.

Mr. Alexander. When did you know what students would be assigned to South Boston?

Dr. Reid. We got a preliminary printout in April.

Mr. Alexander. Were any specific efforts made at that time to contact those students that would be assigned to South Boston High School?

Dr. Reid. Not at that time.

Mr. Alexander. When were such efforts made?

Dr. Reid. Well, there were 4,400 names on that printout, which was a ridiculously large number. Eventually, we did contact students by visiting the feeder schools. I, personally, and my guidance people went to the feeder schools to distribute program information and elective blanks.

Mr. Alexander. What kind of authority did you specifically have to implement Phase I in the South Boston High School?

What things could you do on your own, what things did you need to go to the school administration to obtain resources for?

For example, could you put teachers on overtime?

Dr. Reid. No, I could not put teachers on overtime. During the summer we were given some leeway in that respect. But I was given any amount of staff for educational purposes that I needed.

Mr. Alexander. Did you request any specific staff in the spring of that year?

Dr. Reid. Yes, and we were completely funded for full educational needs.

Mr. Alexander. Well, how would you characterize the response of the community in South Boston in relation to your high school in terms of desegregation?

Dr. Reid. First, the community didn't believe it would ever happen. And secondly, I think the boycott expressed their opinion.

Mr. Alexander. Do you believe—was the boycott successful in keeping students out of school all through the year?

Dr. Reid. I would say it was extremely successful.

Mr. Alexander. How many students did, in fact, end up attending South Boston High School?

Dr. Reid. We had, in the main building, 946 register, and average daily attendance of 550 to 600.

Mr. Alexander. How many of those were white, and how many were black?

Dr. Reid. Approximately 150 to 170 blacks attended daily, and the balance were white.

Mr. Alexander. Were you involved in the law enforcement planning through the little city hall?

Dr. Reid. Yes, sir, I was.

Mr. Alexander. How did that process operate? When were you brought into that?

Dr. Reid. At the very first meeting, I believe. In June, the day after school closed, we had a meeting at the L Street Bar House; later moved to the public library, and we met all summer.

Mr. Alexander. Did you make specific recommendations for the number of police that you believed might be needed within the school or outside of the school? Or was that a law enforcement decision?

Dr. Reid. We hoped that no police would be needed in the school, but we discussed the possibilities with the police officials. There were the final determinants on the numbers to be needed.

Mr. Alexander. Was it your recommendation then, in effect, for a low police profile within the schools?

Dr. Reid. I think we went along with that idea.

Mr. Alexander. What about outside of the school?

Dr. Reid. I think that was part of the idea outside, too.

Mr. Alexander. Did that idea come from the law enforcement authorities, or did it come from the school administrators such as yourself?

Dr. Reid. I would say it was mutual.

Mr. Alexander. It was mutual. Was there any specific training provided to staff or other persons for Phase I implementation?

Dr. Reid. There was a 2-week workshop on human relations held at the Hennigan School for selected personnel.

Mr. Alexander. In your opinion, was that worthwhile?

Dr. Reid. I would prefer to do it differently.

Mr. Alexander. How would you prefer to do it?

Dr. Reid. I would like to have my own staff from my own school and work with them on how we prefer to run the school, and be more specific in the training. More practical. Perhaps less human relations, and more practical school matters.

Mr. Alexander. Was there, in effect, a South Boston High School plan for implementation that you put together with your faculty or other members of the community as to what would happen on "day one"?

Dr. Reid. We had a safety plan. We had plans all drawn up.

Mr. Alexander. Safety plans. When students came to South Boston High School in September, did they, in fact, know where they were to go?

Had they been communicated with prior to—

Dr. Reid. Yes, sir, they had been.

Mr. Alexander. How does that process operate?

Dr. Reid. We mailed out a preliminary booklet, a place—an identification card, at least with a name on it, and a place where you pick up your bus, that sort of thing.

Mr. Alexander. When the students came the first day, were their program cards available?

Dr. Reid. There were for all who had registered.

Mr. Alexander. How was that able to be obtained?

Dr. Reid. They were assigned to homerooms, and this had been given to them, and as they went to the homerooms they were picked up. The homeroom teacher gave them the program cards.

Mr. Alexander. Were these prepared over the summer by faculty?

Dr. Reid. They were, sir.

Mr. Alexander. And this under the funding that you mentioned became available?

Dr. Reid. Yes, that is right.

Mr. Alexander. Is this the funding as the result of the August district court order?

Dr. Reid Yes, sir, in which people made commitments—that the court said that the school committee should spend the money.

Mr. Alexander. But prior to that time, there was no funding available?

Dr. Reid. That is correct, sir.

Mr. Alexander. Was there any work done prior to that time by faculty members or administrators?

Dr. Reid. Yes, we are professionals.

Mr. Alexander. Mrs. Dazzi, could you tell us what type of teacher orientation was provided for Phase I from your perspective as a teacher?

Ms. Dazzi. I attended a human relations workshop after school for, oh, X number of weeks, during the spring. I think it started in March. That was Dorothy Cash's workshop.

Mr. Alexander. Did you find that of use at all to you during the school year?

Ms. Dazzi. Somewhat. But there again, not that practical. We would have liked something more practical, more specific.

Mr. Alexander. Could you tell us what the atmosphere in the school was upon the opening of school?

Ms. Dazzi. Dreadful.

Mr. Alexander. Would you expand on that?

Ms. Dazzi. Hatred, terrible fear, anticipation of all kinds of dire things that may or may not be happening, trying to remember all of the orientation about not listening to rumors and trying not to imagine, but nonetheless keeping our backs to the wall and our eyes in all directions.

Mr. Alexander. Where were you stationed on that first day?

Ms. Dazzi. I was at the front gate behind Dr. Reid and some of the police.

Mr. Alexander. What was your role to be that first day?

Ms. Dazzi. Greeting the bus students and the walking students as they came in; trying to, I would think, give some semblance of normalcy to an otherwise bizarre scene.

Mr. Alexander. How did the year progress, from your point of view?

Ms. Dazzi. From that day?

Mr. Alexander. From that day.

Ms. Dazzi. We went through a peak up to the stabbing, in December. January was pretty bad.

Then after the State police came in, and we got ourselves together somewhat, and we were constantly being oriented or having briefings with Dr. Reid and with each other when we had time to talk. And I think by that time we began to go to another, maybe a plateau, and feel not necessarily that we were going to make it, but maybe we would make it through the day, kind of thing.

Mr. Alexander. What was going on within your specific classrooms during this time?

Ms. Dazzi. Contrary to a lot of the rumors going around, I, personally, was teaching every day and everyone around me was. I can remember teaching one student, but we taught. I think we did better this year than we have ever done.

Mr. Alexander. In terms of being able to teach?

Ms. Dazzi. No.

Mr. Alexander. In terms of what?

Ms. Dazzi. Maybe self-disciplining ourselves. I think the faculty became closer. We had a common purpose, safety of youngsters, as well as implementation of the law, really.

We had to leave personal feelings out of it as much as we could.

Mr. Alexander. Mr. DiMaggio, what was your responsibility when school opened?

Mr. DiMaggio. I was assigned as a coordinator.

We had about 10 or 15 transitional aides who were assigned to South Boston High to assist in the desegregation process.

Mr. Alexander. Were those persons on board when school started?

Mr. DiMaggio. Yes. We did have about 10 individuals that had reported, and we had applications for possibly 15 or 20 more aides. And we had difficulty getting them to come into the building.

Mr. Alexander. Why?

Mr. DiMaggio. Well, I contacted many of them by telephone, and was given the same reason, that they just wanted to wait and see what was going to happen. And they feared for their safety at the time.

Mr. Alexander. Could you explain to us what the purpose of the transitional aide is? What that person is supposed to accomplish in the school setting?

Mr. DiMaggio. I think basically it was, they were used as more security-type people. We have areas in the school such as lavatories and exits and fire alarms that we wanted them to cover; protect the lavatories.

Mr. Alexander. What was the racial composition of this first group of 10 aides?

Mr. DiMaggio. It was probably 60 percent, I would say, white as it started out. We had difficulty getting black aides to come into the building.

Mr. Alexander. Were there any particular criteria one needed to meet to become an aide?

Mr. DiMaggio. Well, in looking at the applications for the first time in September, I did try to go through them and find out if they had any type human relations type background or any dealing with students of high school age; camp counselors and this sort of person, as well as recognizing the fact that community people could also provide a valuable service.

And this is mainly what I was looking for. But that was the difficulty, we could not get those people to come into the building at that time.

Mr. Alexander. Was any particular training provided to aides?

Mr. DiMaggio. No, it was not.

And we did try to give some training during the first month of September, but because of what was going on in the school, there just wasn't time for it. They were needed at the different positions in the building.

Mr. Alexander. How many aides did you eventually get up to?

Mr. DiMaggio. Well, for the entire South Boston-Roxbury complex, all the schools, five schools, 74.

Specifically for South Boston, 38 aides.

Mr. Alexander. Could you identify for us what you believe would be the problems that have been identified over the year in terms of the utilization of transitional aides?

Mr. DiMaggio. I think there are probably many.

I think the role of a transitional aide is very difficult. They are told to be security personnel, sort of watchdogs. And yet they are supposed to try to get the confidence of the student as well.

In other words, if they can have the students talk to them, they can hopefully reduce tension. At the same time they have to take a student to the office for possibly breaking school rules like smoking, you know, and not being where they should be. And I think that is a very difficult role to play for them.

Mr. Alexander. Do the persons need to be better selected? Do there need to be a standardized set of qualifications that a transitional aide should have?

Mr. DiMaggio. Yes, I would say so.

We did have a lot of personal feelings getting in the way of actual school duties. And quite obvious at times.

Mr. Alexander. Dr. Reid, earlier Mr. Burgess described to us the process used at Roslindale High School, which was an extremely limited access to the school. Only those students who had a ticket, in a sense, could enter, and the teachers and one or two community-based organizations.

Was that the procedure followed in South Boston, or if not, what was the procedure on—

Dr. Reid. Pretty much so. Except the bus card is not a good ID card. It can be passed around to anyone. It is not very valid. A legitimate ID card is really needed.

Everyone entered the front door. And now everyone enters the front door and goes through the metal detectors. And I would highly recommend this as a standard procedure for any school undergoing desegregation.

Mr. Alexander. Was that the experience in the past with South Boston High School, that people—that entrance to the school was restricted to those students who were registered, in fact, in that school?

Or, could anybody in that community come and go into the school at will?

Dr. Reid. Well all the doors are locked. You came in through the front door. But basically students came in the side door and the front door was reserved for company.

Mr. Alexander. What kind of—based on your experiences of the past year, clearly a very difficult year, what kind of recommendations would you make—you just made one—to other schools undergoing desegregation?

What kind of things can be done from the headmaster's point of view, and also from the teachers' point of view?

Dr. Reid. I think you have to arrive early, you have to go through the building preferably with scrub brushes or paint pots or something to take—especially if the building is used at night by community people.

I think the metal detectors are essential.

I think staffwise, you have to have people who are available at any time to investigate both before and after incidents.

I think you need smaller classes; more teachers skilled in teaching reading and subjects basically to bring youngsters who may have been out, especially through next year, may have been out of school a year or so and ought to bring them back to standard.

And I think you could go on indefinitely.

You need extra secretarial help because of the paperwork that is caused by all the reports that have to be completed, this sort of thing.

And I think it helps to have a party on Friday afternoon.

[Laughter.]

Mr. Alexander. Mrs. Dazzi, based on your experience what kinds of things would you, as a teacher, like to see happen for a school undergoing desegregation? What kind of training or class size would you think is essential?

Ms. Dazzi. I think a combination of a human relations workshop and a more practical application would be a good thought. But I don't believe in any of these being anything but voluntary. I think that they ruin the whole concept of human relations that way.

I think that the staff should be apprised of every kind of incident that occurs, perhaps not daily, but certainly during the week; meet with the headmaster just briefly after school. I think that helped us an awful lot, rather than being left in the dark, you know, not knowing.

We would hear rumors. There again, rumor control; try very hard not to let these rumors get the best of people. And I agree about the party.

Mr. Alexander. Were the students in your classroom, the black and the white students, over the year, was there any change in the interaction between these students?

Ms. Dazzi. Yes, eventually.

Mr. Alexander. What was that?

Ms. Dazzi. We still have our white side of the room and black side of the room. I use a democratic seating process. In other words, people come in and sit where they wish. I have always done that long before desegregation. And it has worked with me.

The interesting thing was that I would find one black girl sitting in the midst of the whites because she didn't get along with the black girls. And this happened in every one of my classes, almost, with the exception of one class.

And a white girl would sit in amongst the blacks, maybe, because she didn't get along with the people in her group; or, perhaps she wished to be there. I don't know. I never questioned.

I also noticed within the past month, people turning around and giggling across the corridor, you might say. Not the corridor, the aisle. Say somebody on one side, some color—one colored person, white or black, made a remark, they would all turn and laugh. Whereas before, their faces would be frozen and everybody would sit looking straight ahead. So that was a little positive.

Mr. Alexander. Mr. DiMaggio, in your classrooms over this past year, how has the student interaction progressed?

Mr. DiMaggio. I think, surprisingly, it was very good. When tensions were relieved, I saw a big difference when the seniors left the building. Immediately, students in the classroom who had not spoken to each other, relaxed and began speaking, which was surprising to me. There had been glaring stares and this type of thing previous to that. But as the tension was relieved in the building, amazingly the smiles came out and more joking started and we had more conversation between black and white students in the classroom, which I feel was definitely due to reduction in tension.

Mr. Alexander. What kind of—Dr. Reid, what kind of plans are underway for Phase II, now, from your perspective in South Boston High School?

Dr. Reid. I think we will be somewhat better off. The juniors will be back in the building. And the community has always said they have no objection to others coming into the community, as long as their youngsters were not bused out. With the return of the juniors we will have a full high school, and I am cautiously optimistic for the fall.

Mr. Alexander. No further questions at this point.

Chairman Flemming. Commissioner Saltzman?

Commissioner Saltzman. Dr. Reid, do you have any explanation for the fact that violence seemed to center around, largely, the South Boston High School? That is violence outside of the school.

Dr. Reid. It has been the tradition for years in South Boston.

Commissioner Saltzman. Violence has been a tradition for years?

Dr. Reid. No, the fact that this had been built up. We were the sole white high school in the city of Boston for a number of years now. And this was expected. These youngsters had to live up to what was expected of them.

Commissioner Saltzman. Ms. Dazzi, were there some feelings in the student body for bringing black and white students together for mutual communication and programming? Were there any positive movements toward this during the year?

Ms. Dazzi. In certain classrooms, and certainly in athletics, yes. We were able to do it on a small basis there.

Commissioner Saltzman. Can you help us, Ms. Dazzi, to understand why in Roslindale High School and Burke High School, for example, the "dreadful conditions" were either not as pervasive and lasting, or not present at all in contrast to South Boston High School?

Ms. Dazzi. Number one, our high school has been traditionally white. And the people preferred it that way. And number two, we are physically and geographically separated from the rest of the city. I think that has something to do with it.

Commissioner Saltzman. You saw some benefits to the faculty in this year's turmoil. Do you anticipate additional positive benefits under Phase II?

Ms. Dazzi. I hope so.

Commissioner Saltzman. Dr. Reid, one final question: Metal detectors were not included in the recommendation of other headmasters; why is your feeling seemingly so strong in contrast to their failure to make any such recommendation?

Dr. Reid. We have had the experience of one young man being stabbed. All I know, from the press, you read elsewhere, these are not uncommon. We have had nothing except a few punches thrown on occasion since that. And I prefer the punches to the stabbing.

Commissioner Saltzman. Thank you.

Chairman Flemming. Commissioner Horn?

Commissioner Horn. Dr. Reid, are there truant officers in the Boston school system?

Dr. Reid. Yes, sir.

Commissioner Horn. Did they work last year in South Boston, with all these people not attending school?

Dr. Reid. They dropped in once a week for a report.

Commissioner Horn. What happened when students boycotted the school, either through their own action or their parents' direction. Were there any fines established for not attending school in Boston?

Dr. Reid. Not that I know of, sir.

Commissioner Horn. So the truant officer, you are saying, has no real sanction to impose? He just goes out and pleads, or does he spend his day in a pub, or what?

Dr. Reid. I think you would have to ask him that question, sir.

Commissioner Horn. Did you—how does one go about getting the law enforced to get students to attend school? I assume it is a law of the Commonwealth to attend school to a certain age.

Dr. Reid. It is, sir. The Federal district court indicated that youngsters did not have to attend school if they felt their safety was involved.

Commissioner Horn. Is Counsel exploring with the Boston School Committee, the statistics on how many truant officers; how many citations were made; what sanctions were imposed; and in relation to this last comment, what the Federal court had to say on the subject?

Mr. Alexander. We will follow up on that.

Commissioner Horn. All right. I would like that included here, Mr. Chairman, as an exhibit at this point, if I might.

Chairman Flemming. Without objection, it will be accepted.

Commissioner Horn. Let me go back now to Dr. Reid. You made, I think, some very sensible suggestions on what a school might do as they go through desegregation.

My own reaction to the metal detector proposal is that all schools, and perhaps all cities ought to have that in the country, whether it is desegregation or not. I think it seems to be the times we live in.

But I would like to carry it back a step further in the training of your teachers, that you get either by assignment of the school system or that you might have some choice in. What do you think schools of education in colleges and universities in this area and around the country could be doing to prepare teachers for the urban desegregated or integrated school situation that they are not doing now?

Dr. Reid. Change their professors every 3 years and send their professors into the school; take the school man out and put him in the college.

Commissioner Horn. I am glad to hear you say that. I mentioned that last night, and as I said then, I said that to teachers' groups and I usually get applause. But when I say it to my own faculty, I get a dull, long silence. Could they do something besides that, given tenure and all the other things that inhibit the American university from being responsive to change?

Dr. Reid. I think they have to live with the school for a month or two at least to get the feel and get—from both the student body, the faculty, the community, before they can really be effective in the classroom.

Commissioner Horn. I take it in some of your comments you really didn't put too much stock in some human relations courses. You expressed, I think, the comment that you would rather deal with some of the practical aspects of the school rather than the human relations courses.

Dr. Reid. That is right, sir. The best advice I got, a young man of mine was transferring—was promoted from South Boston High School to an all-black school, and I offered him my collection of literature, black literature and so forth. And he took it.

When he came back this spring, I said, "What can you tell me, Charlie?" And he said, "Just remember they are kids, and treat them like kids, and you are in business."

Commissioner Horn. A number of other superintendents or principals who have gone through this have made exactly that point, that if you have discipline and you impose it fairly and impartially on all students and treat them as human beings, and not whether they are black or white, you are probably going to be more successful.

And as I read the reports and background on South Boston, apparently there was some problem where the white faculty initially, you might say, patronized the black kids and were, perhaps, lenient on them, which in turn caused some internal problems. Is that a correct summary of some of the background? Would anybody care to comment on that problem?

Mr. Dazzi. I think that is a pretty fair assessment in a few cases.

Commissioner Horn. One last question.

We have heard earlier about the—and you have admitted before you got there—the really bad physically condition of South Boston High School, compared to what it might have been a generation ago.

And we have heard about the concern of people in South Boston for community involvement. Dr. Reid, in the years you have been at South Boston how much interest has been taken by the community by attending meetings of the Home and School Association and other events like that in caring about what happens in South Boston High School, until this year? Was there much community interest?

Dr. Reid. If we got 25 parents at a meeting, we were doing well.

Commissioner Horn. Thank you.

Chairman Flemming. Commissioner Freeman?

Commissioner Freeman. Dr. Reid, when I visited South Boston High School in September, we talked about the school and its problems. And I asked you at that time, how long you thought it would take before there could be a viable climate for learning. At that time you said that you believed it would take 3 years.

I would like to ask if you will—what is your opinion as of now, and what are you—and then what are the things that would be necessary to bring such a climate into being?

Dr. Reid. I am afraid it would be longer than 3 years. And a vital thing necessary is good will.

Commissioner Freeman. Well, let's pursue that. Are you saying that the good will is—obviously you are saying it is missing now.

Dr. Reid. That is correct.

Commissioner Freeman. Is it missing on the part of the faculty?

Dr. Reid. No, I don't think it is missing on the part of the faculty. I think it is missing, basically, on the part of the adult community.

Commissioner Freeman. And does that mean the administration, the political—what do you mean by—

Dr. Reid. No, just the adult community.

Commissioner Freeman. The adult, meaning the parents or the people who were not parents, who were not involved with the school?

Dr. Reid. Both.

Commissioner Freeman. Well, if you had, and if you could sort of wave a wand or whatever it takes, where would you start?

Dr. Reid. I think the best start is enforce the judge's order, that adults should not be within the school, and run the schools with your professional staff, and I think the youngsters will go along.

Commissioner Freeman. In answer to Dr. Horn's question concerning the truant officer, you indicated that you did not know how they spend their time. Will you explain to this Commission, the relationship of the truant officer to a particular school? How are assignments made? Are officers assigned to your school, and what are their duties?

Dr. Reid. Two or three officers have been assigned to a school in the past. Each one covers a certain geographical area that the school serves. They used to drop in to the school every day, or perhaps every other day to pick up the so-called truant cards, and investigate and then turn the results back upon the completion of their investigation.

Commissioner Freeman. And to whom is this officer accountable?

Dr. Reid. To the head of the attendance department.

Commissioner Freeman. And where is that—is that based?

Dr. Reid. 45 Myrtle Street.

Commissioner Freeman. And is there any reporting of the results of the investigation to you, as headmaster?

Dr. Reid. I get the cards back.

Commissioner Freeman. And who enforces the work of the truant officer?

Dr. Reid. The attendance officer has to take—

Commissioner Freeman. The attendance officer.

Now, in this instance were there any instances where an attendance officer actually caused the return of pupils to school.

Dr. Reid. Oh, I think they were helpful in persuading youngsters to come back to school.

Commissioner Freeman. Was there a significant change toward the end of the year as against the beginning of the year?

Dr. Reid. We picked up some around the middle of January, after we reopened, and things went along reasonably well. We picked up some youngsters at that time:

Commissioner Freeman. Do you know the number of attendance officers who were black?

Dr. Reid. I do not know.

Commissioner Freeman. Do you know if there were any?

Dr. Reid. I do not know.

Commissioner Freeman. Do you know if there are any of any other minorities such as Spanish surnames, or otherwise?

Dr. Reid. I do not know.

Commissioner Freeman. There aren't any in your school?

Dr. Reid. That is correct.

COMMISSIONER FREEMAN. Thank you.

COMMISSIONER HORN. Could I just follow up on one point that Commissioner Freeman very ably brought out here. Is your budget based on the average daily attendance in your school?

DR. REID. I have nothing to say about my budget, except that the amount of money that can be spent for educational materials and textbooks is based upon the numbers as of October 1 in each year.

COMMISSIONER HORN. What I am trying to get at, is there a relationship, an incentive to assure a full student turnout in order to get the resources you need to carry on school?

DR. REID. We are under no pressure of that sort.

COMMISSIONER HORN. I see. Because as listened to the story in this and other cities about urban school bureaucracies, I think what we are talking about is, if we decentralize some of the responsibility to people like you, and broad amounts of money within certain guidelines, would you get the job done better?

CHAIRMAN FLEMMING. Commissioner Ruiz?

COMMISSIONER RUIZ. Dr. Reid, I have been shocked by the testimony that I have heard here today, of the physical conditions of the schools in South Boston, even before desegregation became a problem. From the delivery of educational services under conditions before busing, and the current problem; I am finding it difficult to place the blame entirely upon forced busing.

Don't you believe that forced busing is a false issue, not a true issue? But that the true issue is whether the law will or will not be obeyed?

DR. REID. I think that is the fundamental for any American.

CHAIRMAN FLEMMING. We are grateful for you coming and giving us the results of your experiences and your observations. We appreciate it very much. It has been very helpful.

At this time we will be in recess for 15 minutes. We will resume at 2:30.

[Recess.]

CHAIRMAN FLEMMING. The hearing will resume. The next witnesses will be called.

MR. ALEXANDER. Frank Power, John Prince, Gerald Sullivan, Joanne Vacca.

[Whereupon, Frank Power, John Prince, Gerald Sullivan, and Joanne Vacca were sworn by Chairman Flemming.]

TESTIMONY OF SCHOOL ADMINISTRATORS AND FACULTY: FRANK POWER, HEADMASTER, CHARLESTOWN HIGH SCHOOL; JOHN PRINCE, PRINCIPAL, EDWARDS MIDDLE SCHOOL; GERALD SULLIVAN, TEACHER, CHARLESTOWN HIGH SCHOOL; AND JOANNE VACCA, TEACHER AND UNION

REPRESENTATIVE, EDWARDS MIDDLE SCHOOL; ACCOMPANIED BY RICHARD W. COLEMAN, ATTORNEY FOR MR. POWER AND MR. PRINCE; AND JONATHAN HYATT, ATTORNEY FOR MS. VACCA

MR. ALEXANDER. Starting with Mr. Power, identify yourself and your position for the record. Counsel will also identify yourselves.

MR. POWER. Frank G. Power, headmaster of Charlestown High School.

MR. COLEMAN. Richard W. Coleman, attorney for Mr. Power and Mr. Prince.

MR. PRINCE. John Prince, principal of the Edwards Middle School, Charlestown.

MS. VACCA. Joanne Vacca, teacher and union representative at the Edwards Middle School in Charlestown.

MR. HYATT. Jonathan Hyatt, attorney for Miss Vacca.

MR. SULLIVAN. Gerald Sullivan. I am a teacher at Charlestown High School and chairman of the faculty senate.

MR. ALEXANDER. Starting with Mr. Power, could you briefly describe for us the student body and the physical structure at Charlestown High?

MR. POWER. At the present time Charlestown High School has approximately 1,150 students. They are housed in three buildings. The main building, the Boys' Club annex. The main building has a little over 800 students in it. It was built in 1906 to house 450 students. The Boys' Club annex has six classrooms, that house approximately 150 students.

And the Spencer annex is a complete vocational cooperative electrical program shop area with six class areas in it. It houses 150 students.

MR. ALEXANDER. Under Phase I, is it correct that Charlestown High was not substantially affected by desegregation?

MR. POWER. That is not true. It depends on what you mean by substantially affected.

MR. ALEXANDER. In terms of student assignment.

MR. POWER. No, it isn't true.

MR. ALEXANDER. Okay. Will you clarify that?

MR. POWER. Charlestown High School, until this year, was a 3-year high school, grades 10, 11, 12. Grade 12 was put into Charlestown—I'm sorry. Grade nine was put into Charlestown High School under the Phase I desegregation order. Also, the majority of the minority students that were enrolled at Charlestown High School were geo-coded out under Phase I.

MR. ALEXANDER. How many minority students were attending in the year prior to the Phase I order?

MR. POWER. Approximately 135.

MR. ALEXANDER. What were the different minority groups within this 135?

MR. POWER. Black, Chinese, Spanish surname.

MR. ALEXANDER. Could you give us the numbers of each?

Mr. Power. Approximately 60 to 65 Chinese; approximately 35, give or take, black and Spanish surname.

Mr. Alexander. What will be the student body assignment under Phase II, proportionately, by race?

Mr. Power. It is 700 to limit of capacity under Phase II. I requested that an extra hundred be added.

I haven't heard, but I have seen indications that the extra hundred will be approved.

Mr. Alexander. And how many students—what proportion of the student body is to be black or minority under Phase II?

Mr. Power. Thirty-four percent black, 20 percent other minorities.

Mr. Alexander. Have you started planning for Phase II, Mr. Power?

Mr. Power. Yes.

Mr. Alexander. Could you briefly outline for us what your plans for Phase II are, as headmaster?

Mr. Power. Well, in the first place, we don't know yet who the students are. Under the judge's order, we are to retain all present seniors. That is 175, approximately. They are all white. We are to retain all participants in the cooperative vocational program. That is approximately 110 going into senior year, and 105 going into junior year; 215, and they are all white. The rest of the makeup has to come from what the court order is. I have no idea who the other students will be at this time.

Mr. Alexander. Have you taken any plans in terms of coordination with the law enforcement officials for planning?

Mr. Power. Yes, I have.

I have spoken with the deputy superintendent on two occasions; his representative on a third. I talked with community people concerning the safety committee we instituted last year, and we intend to inaugurate in the very near future. It wasn't feasible until after yesterday—after today.

Yesterday was the 17th of June. It is a very important day in the Bunker Hill—in the Charlestown community, and, of course, today, most of the Charlestown people are here.

We have a new police captain. I have talked with him twice, but I haven't sat down in a formal session.

Mr. Alexander. Has the neighborhood city hall apparatus been started yet in Charlestown? Have you been invited to attend—

Mr. Power. Well, they are part of this and we have identified with them and with the youth activities worker.

Mr. Alexander. Have there been meetings with the youth activities commission?

Mr. Power. I would have to—not with the youth activities commission, with the youth activity workers in the Charlestown area. I have discussed this with them. But as I said, we haven't had a formal sitdown with them.

Mr. Alexander. Have you contacted community organizations in the Charlestown area?

Mr. Power. Yes.

Mr. Alexander. What?

Mr. Power. I have been to two of the area planning action committees, and I have been to two of—I don't remember the title of the education committee that Moe Gillen is chairman of, but I have been at several of their meetings. And I am in constant contact with little city hall and with youth activities, and with the Kennedy Center and the Boys Club.

Mr. Alexander. What is your anticipation for what will go on in Charlestown this coming September?

Mr. Power. I hope for the best, and I am going to prepare for the worst.

Mr. Alexander. Could you be a little more specific about that? What types of preparation are we talking about?

Mr. Power. In the types of preparation? I have requested 30 police inside the building, of the deputy superintendent.

Mr. Alexander. How have you made that decision?

Mr. Power. I made that decision based on the physical structure of the building, the areas that I feel could be dangerous areas, and I have told them where I feel the deployment of the personnel should be. There has been no final decision on this.

I have also asked for 12 transitional aides.

Mr. Alexander. Have you had any word on the transitional aides yet?

Mr. Power. Only that you can expect to get them.

Mr. Alexander. Okay.

Are you going to be operating the three buildings next year, or are you down—

Mr. Power. The reason for the increase from 700 to limit of capacity, to 800, is to include the Boys' Club annex, which I thought would be closed if the 700 limit on capacity was finalized. I do feel I need the Boys' Club annex to run the school properly in the fall.

Mr. Alexander. I understand from interview reports that you are the head of the headmasters' association. Is that correct?

Mr. Power. That is correct.

Mr. Alexander. Has this issue of the way the schools have operated and the roles the headmasters have played been discussed by the headmasters?

Mr. Power. Yes, it has. I have a subcommittee that I have requested a meeting with Superintendent-elect Fahey, concerning the number of teachers assigned especially to schools that will be further impacted next year under Phase II and the number of teacher assignments in these schools.

Mr. Alexander. We have heard from a number of headmasters, as you may be aware, over the past several days. Among the things that were suggested, were very tight planning in terms of student IDs and entering the school, programs planned in advance for students, notification of students. Are you able to start any of those types of activities, or have you?

Mr. Power. I would say that I started these with my faculty. Ann Miles, I have heard her name used here, has—was one of my guidance counselors, and she was taken by a group that is planning this type of security, human relations, visiting of the high schools. And many of my faculty have visited South Boston High School, Hyde Park High School, Hyde Park High School Annex, and Roslindale High School.

At the present time there is a movie that was made by one of the teachers of South Boston High School, indicating what has happened under Phase I of the desegregation program, being shown to my faculty. It is being shown right now in Charlestown High School.

Mr. Alexander. Mr. Prince?

Mr. Prince. Yes, sir.

Mr. Alexander. Could you tell us something about the Edwards Middle School, how large a school it is; how many students are attending, the physical structure?

Mr. Prince. Yes. The Edwards Middle School was built in 1931. It has a capacity of about 670 pupils. That is the capacity that was given to us by Judge Garrity's Phase II. The present enrollment is about 500 pupils. We started out with more pupils at the beginning, but it is down to 500 pupils now.

Mr. Alexander. What is the racial composition of the student body this year?

Mr. Prince. We have about 90 percent white. We have 2 percent black, and the rest are Chinese.

Mr. Alexander. What is the projected student breakdown under Phase II?

Mr. Prince. The projected student breakdown, as I understand it, is 38 percent white, 35 black, and 27 other, I think is approximately the figure.

Mr. Alexander. Have you undertaken any specific plans as of yet, in relation to Phase II?

Mr. Prince. Yes.

A lot of my planning has gone along the idea of what Mr. Power has done. We have a group of teachers who have visited several of the other middle schools; the Gavin School in South Boston, the Woodrow Wilson in Dorchester; we have studied their implementation.

We have teachers who will—I have a teacher who has been asked to serve on the multiethnic council and a teacher is a busing coordinator. Those are within the school itself.

Mr. Alexander. Have there been any meetings with community organizations?

Mr. Prince. Yes. I have met with groups similar to Mr. Power. I have talked to YAC workers, I have met three or four times with the Charlestown Educational Council on meetings that they have had.

Mr. Alexander. Have you met with any community organizations in other than the Charlestown community, for example, from the rest of the Madison Park district?

Mr. Prince. No, I haven't. I have no idea at this point who the—where the youngsters will come from, specific schools that they will come from.

I hope, as soon as we have that information, to take that action.

Mr. Alexander. Mr. Power, in terms of your contact with community organizations, have any of them been with other than the Charlestown community?

Mr. Power. The only person I have talked with is Mr. Charles Ray, the headmaster of Roxbury High School.

In looking over the District 7, the indications are that many of the students, minority students, will come from that area. So I told Mr. Ray that as soon as we know who they are, I will send a printout of the students to him that I have. I am interested in contacting parents, and I am going to send a printout of the students that he will get from my area. And I hope that we can be reciprocal.

Mr. Alexander. Mr. Prince, what do you conceive of to be the greatest problem that you will face under Phase II, as a middle school particularly?

Mr. Prince. Well, hopefully, we will take all—we will probably have to—the number one problem will be safety. That is our primary goal. And hopefully, after that, we can work towards the education process.

But we—the teachers—we have had a number of meetings within the building, meetings within the building. And as I say, we have studied other schools, tried to cull from those schools, some of the problems, some of the good things that have come out of it.

I have participated in meetings with all other middle school principals. We had a meeting that the principals of impacted schools exchanged information with those who would be affected under Phase II.

Mr. Alexander. Do you conceive of it, that it would be a problem for you if a number of students were not going to the high school, and around in the community? Does that pose a particular problem for a middle school?

Mr. Prince. Well, any persons who would be in the proximity of the school certainly would cause a problem.

Mr. Alexander. Do you intend to have a fairly rigid access system at your school this coming September?

Mr. Prince. Yes. I have tried to find an area where, you know, the buses as they come will be in a position which will have the best access to the building.

Mr. Alexander. I was recently at your school, as you know, and I was struck by all the physical construction in the streets going around it. Have you communicated that potential problem to any officials within the city or state?

Mr. Prince. I believe the construction that you have witnessed, I have been talking to the DRA and the street construction, it seems that will be out of the way before September.

Mr. Alexander. What about the other construction?

Mr. Prince. The only other construction that I know of at this time is the removal of the Els, and the DRA has indicated that is going to start soon. Whether that will be down or even begun by that time, I am not that sure. I think Mr. Power alluded to the fact that we have participated in a task force and it is an ongoing thing. And I think as we go along, that timetable will be a little more updated for us.

Mr. Alexander. Do you consider that to be a particular problem, Mr. Power, the removal of the train?

Mr. Power. Well, construction generally, around the schools—I am a little upset right now because they just did a magnificent cleanup job on the Bunker Hill Monument grounds. And the high school is right on the monument grounds.

And we had jackhammers for breakfast, and welders for lunch, and painting and construction trucks outside for dismissal. It was an obstacle course we didn't need, and I am glad it is Jack's turn next year. The El, that is going to be some project.

Mr. Alexander. Do you intend—either one of your, Mr. Prince or Mr. Power—to be involved in the design of bus routes and other matters like that, due to the fact that Charlestown is a community with construction going on and very narrow streets and so on?

Mr. Power. I will answer that, in that we had buses this year from the North End and from Chinatown, and I was immediately concerned with the bus routes that they set up. The safety department altered one or two of them for me. I have been in touch with the police and the method of busing in this year from the black community, and I suggested routes that I think would be more safe. I have done this already with the police.

Mr. Alexander. Ms. Vacca, could you briefly explain what your responsibilities are as a teacher in the school?

Ms. Vacca. I am a teacher of social studies at the Edward School. I have been for 12 or 13 years, and was recently elected union representative.

Mr. Alexander. What do you see as the role the teachers will be playing next year?

Ms. Vacca. I see my primary role as protecting the kids and literally praying for the kids that are coming into the school. I don't really—as I said to someone outside, really—I go from being very optimistic to terribly pessimistic. Right now I am in an optimistic mood. I just would rather be overprepared for any possibility than underprepared. I want to be sure that the hierarchy or the bureaucracy is listening to my boss, to us, when we tell them we need something.

And one of the things that has bothered us all year is that construction around our school. Just as one small example, the day we administered our reading tests to the students, there were jackhammers in front of the building, the entire front section of that building. You couldn't hear yourself think, let alone take a test. I called about four or five different agencies that day with no success.

I am very concerned, and I know Mr. Prince is, about that El. I think that if something happens that that cannot guaranteed be finished before the close of school, it better not be started before the close of school. Because the way the construction has been this year, I have no confidence in the fact that they will finish it up in a few days. They will just say, "A little bit more work to do." I have no confidence that they will finish it up quickly.

Mr. Alexander. Have the teachers at your school been doing anything particularly to prepare themselves for next year's experience?

Ms. Vacca. Well, there has been a kind of problem, that we didn't know if we were going to be there next year. I am not even certain that that is cleared up, although I think at the middle school levels there may be very few changes as far as personnel is concerned.

Just now we are beginning to get into the swing of it. We have the staff to do the work. We want to know that we have the support from the community and from the people at Beacon Street, and from anyplace else that we ask it.

Mr. Prince has appointed two people that I would trust my life to—and I am not saying this as a light thing, but I have such great confidence in the two men that he has put in charge of the bus routes and as far as programming and things like this. That, in itself, makes me feel much better about the future.

Mr. Alexander. Mr. Sullivan, what are your responsibilities at Charlestown High?

Mr. Sullivan. I have been at Charlestown High for 4 years. I am also a social studies teacher and chairman of the faculty senate, which is new this year, and is attempting to define its role. It turns out to be something between advisor to the headmaster, and complaint board from the teachers.

Mr. Alexander. What have the teachers done in defining this role in relation to school desegregation that is coming up?

Mr. Sullivan. I would like to say everything that should be done. But I have to say, not enough. It is with a great deal of apprehension that we look forward to next year. And around the middle of February, you know, seeing that the time was running out, we wrote to the superintendent of schools, asking for some help. And we received a reply and a statement that Miss Dorothy Cash will be getting in touch with us. As of yet, she has not been able to do so.

As time further ran out, with the help of Ann Miles and with the permission of the headmaster, the faculty senate coordinated to arrange coverage for, and so on, a series of about five or six trips to different high schools throughout the city. And about 30 of our teachers, both shop and academic, have visited other schools.

Mr. Power mentioned the film from South Boston which, again through Ann Miles, is over there today. A week or so ago, a group of students visited Roslindale High School. These students were the senior class officers, the student council officers, and the senior class advisors. They visited the Roslindale School, talked with the students over there, teachers, and toured the school and so on.

Mr. Alexander. What lessons were learned? Is there a specific set of things you now think you can do, or is it still unclear in your mind?

Mr. Sullivan. Needless to say, it is very unclear. I don't think anyone has the answers.

I am sure you heard what has come out, I am sure you heard it from other teachers. The lessons are, one thing that we were hit with very strongly was, we should have a code of discipline; it should be fairly and firmly and consistently enforced, and so on; that we should be well prepared; that we should have the reins tight. It is easier to loosen the reins than it is to tighten them, and so on.

You know, whether, in fact, these are the answers, I don't know.

Mr. Alexander. Has there been any specific funds forthcoming for training of teachers?

Mr. Sullivan. I really don't know. I mean, no one has come to me.

Mr. Alexander. Mr. Power?

Mr. Power. Not along the lines you are talking about. We expect to have personnel on board throughout the summer concerning with the organization, planning, programming, recordkeeping, security organization. We will have a team that will be coordinating with the Bunker Hill Community College on the proposal that we have with them.

And I would expect that upwards of, well, perhaps a third—33 to 40 percent of the faculty wil be involved in this planning during the summer months. That is prior to the 2 weeks the judge ordered.

Mr. Alexander. Is it your understanding that the funding will be made available for this?

Mr. Power. It is my understanding that funds will be available for this, yes.

Mr. Alexander. Have you made specific requests to the Beacon Street authorities for specific aid for your school?

Mr. Power. Not in the sense that I made a specific request for aid other than the aide that I expect will be forthcoming.

I have talked with the personnel. The faculty is having an election tomorrow, on the five teachers that will be involved in that process. I will appoint four others.

That is just one phase of it. That is to be funded. Also, the planning, the implementation, the programming, etc., is going to be funded.

We also will have the functional campus coordinator on board.

We have a multiethnic council coordinator, who is in the process of working with Ann Foley in crisis prevention. So I feel we have a great number of personnel available to us beginning Friday, that we didn't have a year ago.

Mr. Alexander. I have no further questions at this point.

Chairman Flemming. Commissioner Rankin?

Commissioner Rankin. Ms. Vacca, you said sometimes you are optimistic and sometimes you are pessimistic, is that right?

Ms. Vacca. Yes, that is.

Commissioner Rankin. In your pessimistic moods, who do you think the trouble is coming from? Will it come from the old students, or the new students coming in?

Ms. Vacca. My own personal feeling, and my own concern is that it will come either from old students who have graduated, or from high school students who are not in the school. I don't know that for a fact. That is my own concern.

Commissioner Rankin. It won't come from the students in the school?

Ms. Vacca. I don't think so, really. It might, I could be wrong. But this is my own feeling, it will not come from the students in the school.

Commissioner Rankin. Do you all agree with that?

Mr. Prince. We are hopeful that that will be the case.

One of the things, I think, Commissioner, that makes us a little apprehensive, is the sense that we don't know who the students are. It would be better if we knew who the students were. Hopefully we can get a little line on these students when the assignments—it is so late now, you see. Normally this would all have been taken care of. We would have made the contact with the school, the children would have been able to select their courses. All we have is the total number projected for our school. Who they are, where they are coming from—this is what makes a degree of apprehension.

Commissioner Rankin. Do you agree, Mr. Power?

Mr. Power. Yes, I think that what Mr. Prince says, I agree with.

Commissioner Rankin. Do you anticipate any trouble from parents?

Mr. Power. Do I? No.

Commissioner Rankin. Any of you?

Mr. Prince. I have had—my relationship has been excellent with parents.

Ms. Vacca. Mine has, also.

Mr. Sullivan. Can I disagree?

Commissioner Rankin. Yes. This reminds me of the headmaster who went to heaven and they asked him what job he wanted. He said he would like to be principal of an orphans asylum so he wouldn't be bothered with parents. You don't have that feeling, though?

Mr. Power. No, I don't. But I have a high school that doesn't lock its front door.

Commissioner Rankin. Mr. Sullivan, what is your opinion? You said you differed.

Mr. Sullivan. No, it is funny, as I stated it I wished I hadn't put it that way. I meant to say, "How can I disagree?" I don't anticipate a great deal of trouble from parents, necessarily.

Commissioner Rankin. What university has been assigned to your school?

Mr. Power. Bunker Hill Community College.

Commissioner Rankin. Have they done anything yet?

Mr. Power. They sure have.

Commissioner Rankin. And they have helped you a whole lot?

Mr. Power. In the years past, also. We have a great working relationship with Bunker Hill Community College.

Commissioner Rankin. And they are already helping you with Phase II?

Mr. Power. Yes. The first letter I got from them was in late April.

Commissioner Rankin. What business corporation?

Mr. Power. Liberty Mutual, Stop and Shop.

Commissioner Rankin. What are these companies doing?

Mr. Power. Liberty Mutual has been a big brother to Charlestown High School this year, and they have done a remarkably good job with us.

Commissioner Rankin. Thank you.

Chairman Flemming. Commissioner Saltzman?

Commissioner Saltzman. In earlier testimony, we have been told that crucial to the peaceful implementation of the court order is the active involvement of business, religious, educational leadership. Do you think there will be adequate mobilization in the Charlestown area of such community leadership and involvement with the schools?

Mr. Power. Yes. Last year under Phase I, I was impressed with the involvement of the community organizations, of the different organizations that we were in contact with. And I think that under the conditions where Charlestown will probably be the most impacted area this year—at least under the Phase II desegregation plan—I anticipate that the businesses and the community, the community college and the other civic organizations are going to be deeply involved.

Commissioner Saltzman. Mr. Prince, why are you presently optimistic? What is the source for your present optimism?

Mr. Prince. Well, I didn't use the word optimism.

Commissioner Saltzman. I am sorry, I meant Ms. Vacca. Excuse me.

Ms. Vacca. I don't know, being a human being I would like to believe the best is going to happen, and when I see the newspaper reports about things happening in other parts of the city, again being a human being, I become pessimistic.

Commissioner Saltzman. But there are no tangible, real—

Ms. Vacca. Where something as basic as being at the parade in Charlestown on Sunday, seeing ROAR being represented in the parade, but also seeing groups in which black people were widely represented, it is something very small, but believe me it is something tangible and it is something I appreciate. And I can be optimistic then.

Commissioner Saltzman. I am not sure—in terms of what were you referring to the presence of ROAR?

Ms. Vacca. In the parade celebrating June 17, in the Charlestown parade. All groups—my only point in making that reference is that in that parade all groups were represented.

Commissioner Saltzman. I see. Mr. Power, what is the specific involvement of the Bunker Hill Community College? Can you tell us what they are actually doing in the school?

Mr. Power. I can tell you what they actually did last year. Under the "flexible campus" concept, many of our seniors were involved in taking extra courses down there. I was involved in a high school that had 800 students that had to go into a building that was built in 1906 for 450, and I had to make a decision as to whether to have two schools, or to have one school.

And I decided with the help of the faculty, to have one school. But our school day started at 4:37 in the morning, and went to 4:23 in the afternoon. And we had—the only way I can describe it is—we had a revolving lunch schedule, in which the students, during their study period and lunch period, were allowed to leave the building for an hour and 5 minutes for lunch—lunch period and their study period, because I had to get 200 kids out to get 200 more in, so I wouldn't violate the fire laws which were 636 students.

In anticipation of this, my "flexible campus" coordinator visited the community college and told them of the problem and they said, "Any of your seniors or juniors that want to take college-type programs, can." And did.

And they helped—actually what they did was they helped me empty the building. I had to use hot seats, and the only way we could do it was to send one class out at one time, and bring another one in, and send another one out and bring another one in. And that is the way, from 10:18 to 12:10, if you had been there, you wouldn't have thought you were in a public school, you would have thought you were in a well-organized playground, maybe. But there were an awful lot of students going in and out of that building for 2-1/2 hours during the school day because of this.

We don't anticipate this next year, naturally, because we have been limited in numbers. But the numbers last year were foisted on us by the Phase I desegregation which said, you will take 1,100 students, 1,150 students, and that is what we did.

Commissioner Saltzman. Can you foresee any other area in which the community college will be of help in the coming year under Phase II? Except providing physical space.

Mr. Power. No. On the use of learning centers and the use of personnel and the use of giving an overview of our curriculum, I think that we can use them in many areas. And I think that now that they have been directly involved, that we will get that much more from them.

Commissioner Saltzman. Thank you.

Chairman Flemming. Commissioner Ruiz?

Commissioner Ruiz. Mr. Power, what proportion of the Charlestown population is white?

Mr. Power. The Charlestown population is white?

Commissioner Ruiz. Yes.

Mr. Power. 99-44/100 percent.

Commissioner Ruiz. Now, what proportion of this 99 percent plus attend parochial schools?

Mr. Power. I would have to use a specific general—well, can I use a general figure? I feel that there are 400 students a year in Charlestown that go to secondary school, and I get 200 of them. The other 200 go to parochial schools, and a small percentage go to the exam schools. But the majority go to parochial schools.

Commissioner Ruiz. Then you would say about a half of the student population in high school goes to parochial school?

Mr. Power. Yes, approximately.

Commissioner Ruiz. And with relation to other private schools other than parochial, can you guess a percentage?

Mr. Power. Other private schools other than parochial, zero percent. It is a very poor—well, it is a lower middle class poor community. They couldn't afford to go to a private school.

Commissioner Ruiz. In other words, what we are really talking about here is approximately half of the school population in high school, with relation to the orders of court.

Mr. Power. It has nothing to do with the orders of the court.

Commissioner Ruiz. This has nothing to do with it?

Mr. Power. No. The figures that you are speaking of, Commissioner, have nothing to do with the court order. This has been true in Charlestown since I have been associated with it, and I have been associated with Charlestown for 19 of the last 25 years.

Commissioner Ruiz. Well, I meant to say in this respect, the court order does not affect the parochial schools, does it? That is to say the parochial schools are not part of busing?

Mr. Power. Well, first, there are no parochial high schools in Charlestown.

Commissioner Ruiz. Oh. Well this is what I wanted to know. They are bused out already then.

Mr. Power. Yes.

Commissioner Ruiz. You said 50 percent of the high school students attend parochial schools?

Mr. Power. That is an approximation, yes.

Commissioner Ruiz. All right. Now where are those parochial schools located?

Mr. Power. They are located—McKeon in Cambridge; going downtown Boston, Christopher Columbus in downtown Boston; Malden Catholic in Malden; Pope John in Everett. Then I have missed a few. St. Rose in Chelsea; St. Clements in Somerville. If I had a parochial list, I could check off the ones that didn't. That would be easier.

Commissioner Ruiz. That is what I am trying to find out. Then most of them are bused—that is to say, from the areas that you just mentioned, there is a great deal of busing at the present time, out of the area. Is that true? To parochial schools?

Mr. Power. Well, I would rephrase that and say there is a great deal of voluntary busing outside of the area, yes.

Commissioner Ruiz. Yes, there is voluntary busing and busing—

Mr. Power. I am not sure that busing is used. It may be private vehicles. I would say in many cases, in most cases, that the parents drive them to the schools.

Commissioner Ruiz. In private vehicles?

Mr. Power. Yes. I have no way of knowing what this percentage is.

Commissioner Ruiz. Are there buses used at all?

Mr. Power. There are no—I don't—let's say, I can't say that I have seen a bus that says the name of a school on it, that takes the student out of Charlestown to one of these schools. They either use public transportation, MBTA, or they use their own private automobiles.

Commissioner Ruiz. Then, in getting back to what I am trying to find out is, and apparently from your answers, about 50 percent of the high school population goes to a public school?

Mr. Power. Yes.

Commissioner Ruiz. And therefore, approximately 50 percent that go to a public school come under the court order?

Mr. Power. That is correct.

Commissioner Ruiz. This is what I was trying to find out. Thank you very much.

Chairman Flemming. We appreciate very much your being here and sharing with us some of your thinking, some of your plans for the coming school year. Thank you very much.

Chairman Flemming. Counsel will call the next witnesses.

Mr. Alexander. Roberta Delaney, John Gardiner, and Father Boyle.

[Whereupon, Robert Delaney, John Gardiner, and Father Robert Boyle were sworn by Chairman Flemming.]

Chairman Flemming. Thank you very much. I appreciate your being with us.

TESTIMONY OF INSTITUTIONAL LEADERSHIP, BY ROBERTA DELANEY, MANAGER, LITTLE CITY HALL; JOHN GARDINER, EXECUTIVE DIRECTOR, JOHN F. KENNEDY SERVICES CENTER; AND FATHER ROBERT BOYLE, PASTOR, ST. MARY PARISH, CATHOLIC CHURCH

Mr. Alexander. Starting with Mrs. Delaney, would you each identify yourself and your name and your position, for the record.

Ms. Delaney. Yes, my name is Roberta Delaney. I reside at 26 Grove Street in Charlestown. I am a lifelong resident of Charlestown, a parent of four children and the manager of the Charlestown City Hall.

Mr. Alexander. Thank you.

Fr. Boyle. Reverend Robert J. Boyle, pastor of St. Mary's Parish in Charlestown. I live at 1 Monument Square, Charlestown. I am rather recent in the community.

Mr. Gardiner. John Gardiner, executive director of the Kennedy Center, 27 Winthrop Street in Charlestown. I reside at 30 Wright Street, Newton Center.

Mr. Alexander. Mrs. Delaney, could you tell us what your responsibilities are as the little city hall manager, and how long you have been with the little city hall, and what other capacities?

Ms. Delaney. I have been with the little city hall program for the past 2 years. I started out as a secretary; I then went to assistant manager; I was appointed manager in March of this year. My duties are many. It is a 24-hour a day job.

Mr. Alexander. To your knowledge, did the little city hall operate any particular—in any particular manner under Phase I?

Ms. Delaney. Yes. I was involved under Phase I with the former manager. We headed up the safety meetings with principals, officials of the police department, the fire department, the Kennedy Center, YAC, Boys' Club, just about every organization in town. Also the clergy.

Mr. Alexander. Was this mostly focusing on safety issues?

Ms. Delaney. Mainly safety, that was the chief—

Mr. Alexander. Were there any other issues that were under consideration at that time in Charlestown?

Ms. Delaney. The safety of every child.

Mr. Alexander. What is your role this year?

Ms. Delaney. It will be the exact same role.

Mr. Alexander. Has that role started yet? Have you called any meetings?

Ms. Delaney. Yes, I spoke with Deputy Superintendent Peter Donovan yesterday and was introduced to the new captain who has just been assigned to District 15. And we will be starting our meetings probably sometime next week.

Mr. Alexander. Will you be calling together the same group of people?

Ms. Delaney. Yes, and I think there will be more people involved this year.

Mr. Alexander. Who will you be adding? What types of organizations?

Ms. Delaney. We will be adding all the clergy from every parish.

Mr. Alexander. And any other community organizations other than the Kennedy Center?

Ms. Delaney. Boys' Club, youth activity, fire department, police department.

Mr. Alexander. Were there any incidents in Charlestown under the Phase I plan, that you were aware of?

Ms. Delaney. What do you mean by—

Mr. Alexander. Relating to safety, that was your focus.

Ms. Delaney. No. If there were, they were minor.

Mr. Alexander. Mr. Gardiner, could you explain for us briefly, what the Kennedy Center is, and what type of role it plays in the community?

Mr. Gardiner. The Kennedy Center is a multiservice center, which employs about 100 workers. We have employment programs, social service programs, which includes counseling for individuals and families.

We have an education component which involves pre-Headstart classes, Headstart and daycare classes for children 3 to 6, and afterschool day classes for children 6 to 14.

Mr. Alexander. How substantial an operation is this? What type of yearly budget are we referring to?

Mr. Gardiner. We are projecting just under $1 million for 1976.

Mr. Alexander. How much of that would be from public funds, either by grants or contract?

Mr. Gardiner. By public funds, do you mean—

Mr. Alexander. Federal or State funds.

Mr. Gardiner. The majority of it.

Mr. Alexander. Do you have any idea how much of that is Federal money; let's say of this year's budget?

Mr. Gardiner. Well, it is difficult because much of the moneys come—feed through State and city which have Federal share. So I would just say the bulk of the money, maybe 70 percent of it would be direct Federal share.

Mr. Alexander. Could you tell me what role the Kennedy Center has determined to play in relation to Phase II?

Mr. Gardiner. The Kennedy Center has an elected board of directors, which is fairly representative of the Charlestown community. They are elected by each voting precinct.

The position that the board has taken is that basically we will be attempting to develop programs that would insure the safety of children.

The—as far as taking a position on the issue of busing, we have taken the position that we will not take an issue—we will not take a position on the issue. But rather, that look at the reality of the situation as we know it to be. And that will be that there will be a number of youngsters who will not go to school, who either—because they are old enough to make the decision themselves will boycott school, or because their parents will keep them home because of it.

The sentiment for forced busing is extremely strong in the Charlestown community. The sentiment against individual rights being taken away is at issue in the community. And so for those two reasons—

Mr. Alexander. Do you provide any—

Mr. Gardiner. —parents will tend to take their children out.

Mr. Alexander. Do you provide any programs of legal nature in relation to what are those individual rights? Do you provide an education function at all?

Mr. Gardiner. Not to that issue, no.

Mr. Alexander. Is that under consideration as one of the roles the Kennedy Center might play? Public information as to what, in fact, is a constitutional right and what may not be a constitutional right?

Mr. Gardiner. No, we have not.

Mr. Alexander. What, in fact, have you proposed to do?

Mr. Gardiner. We are in the process of writing a proposal to the—in response to a request by the office of children, which is a State-funded agency for the protection and betterment of the rights of children. In response to the rights for children, our feeling is that there will be a number of youngsters who, more by accident than for any other reason, are going to be involved in a situation that can get them into trouble, either legally or physically or emotionally.

So in response to that, we have submitted a proposal to the office for children, to serve as a coordinating function among the various agencies in the community, and to establish programs for youngsters who may be on the streets. Essentially to get them off the streets, to get them out of a situation which is potentially violent or obstructionist.

Mr. Alexander. Could we have a copy of that proposal for the record?

Mr. Gardiner. Do you have one?

Mr. Alexander. Yes I do, but I would like that submitted for the record, Mr. Chairman.

Chairman Flemming. Without objection, that will be done.

Mr. Alexander. Is there one later than dated June 13, 1975, Mr. Gardiner?

Mr. Gardiner. Well, it is in the process of being rewritten, because that particular proposal has not been funded.

Mr. Alexander. That is, in fact, one that has been rejected by an opinion of council?

Mr. Gardiner. I understand, although I have not been informed in writing, I understand verbally that we just were informed that that is true.

Mr. Alexander. Okay.

Mr. Gardiner. But that the oral presentation that I made was not, and that what they need is to have the written proposal coincide with the oral presentation.

Mr. Alexander. Okay. I would like also submitted for the record, a letter of June 11, 1975, from Phyllis Bowman, general counsel, office for children, to John Forbes, chairperson, pointing out a number of problems in the originally written proposal.

Chairman Flemming. Without objection, it will be done.

Mr. Gardiner. I have not received a copy of that letter. When was it dated?

Mr. Alexander. June 11.

Could you tell us the nature of your discussion as to what the problems, that were at least orally raised with you, in relation to the Kennedy Center proposal? And what your suggestions or solutions to cure those problems are?

Mr. Gardiner. Well, there is some misunderstanding on the part of some of the members that developing programs with organizations prior to an actual boycott, could be interpreted as giving tacit approval to the boycott. And that is a legitimate observation.

My answer in writing is—verbally to them was that that is true. But by the same token, that was not our intent. Our intent was to be a responsible agency to develop alternatives to street programs in anticipation of, not in agreement with, what we know or what we are 90 percent sure will be a large number of children being on the streets.

Mr. Alexander. Are there proposals to the office of children, or other similar organizations, from you or anyone else in the community that you are aware of, to provide services for the children coming into the community, say from the other parts of the Madison Park District?

Mr. Gardiner. Are there proposals?

Mr. Alexander. Yes, from the Kennedy Center?

Mr. Gardiner. No.

Mr. Alexander. Would your proposal service these children in any way?

Mr. Gardiner. Well, they would—if children are coming in from outside of Charlestown, we would assume that they are coming in to go to school. This is in no way intended to interfere with, augment or supplement school programs.

Mr. Alexander. Is there any idea of doing any other kinds of programming in terms of helping children return to school, who perhaps have started boycotting, to provide return services to school, or support services for those students wishing to attend school?

Mr. Gardiner. Well, again, this is the same kind of concern that the funding source had. It is beyond the scope of this—first of all, the proposal was for $15,000. It has now been reduced to 10. Now I understand it is down to 8, and you know—

Mr. Alexander. Let's not limit ourselves to this proposal, but—

Mr. Gardiner. Yes.

Mr. Alexander. From the Kennedy Center, a major social organization, you project a budget of approximately a million dollars for next year; I want to find out your thinking of the types of activities your organization is contemplating, or could contemplate. So the question is not limited to that one proposal.

Mr. Gardiner. Okay. Well, we would certainly support any of the organizations, official or otherwise, who have a job to do and to reinforce and support them in any way we can. That million dollars is all programmed, earmarked, allocated money, so that, you know, it is for specific services.

MR. ALEXANDER. Would you, for example, personally, support a program that would provide safety monitors for students coming in from other parts of the Madison Park District; provide programs over the summer where students can get to know each other before school starts, perhaps a camp someplace, perhaps in Charlestown or other parts of the community?

MR. GARDINER. Would I—

MR. ALEXANDER. Would you, personally, support such a program?

MR. GARDINER. I could personally support it, yes.

MR. ALEXANDER. Could you draft proposals for such a program?

MR. GARDINER. Well, you know, part of our function is to act as an advocate for the community.

MR. ALEXANDER. Which community?

MR. GARDINER. For the Charlestown community.

MR. ALEXANDER. Solely?

MR. GARDINER. Yes.

MR. ALEXANDER. Okay.

MR. GARDINER. In that capacity we have a community affairs committee of the board, and in that capacity the committee has attempted to coordinate all of the agencies involved in Charlestown to get them to come together and to talk together and to try, if possible, to resolve the problem.

But basically, there is a very strong anti-forced busing individual rights issue. And, you know—so that in terms of advocating for the community, we have taken a position of neutrality; that anything that we can do to assist any of the officials that have a job to do, that is fine. But we are a social service agency, we have a certain amount of energy and staff to devote, and, you know, unless we were given additional staff and additional moneys, I don't see this as a possible solution.

MR. ALEXANDER. But you have not, to this date, solicited additional staff or moneys in relation to Phase II, other than the proposal that you described, is that correct?

MR. GARDINER. That is correct.

MR. ALEXANDER. Father Boyle, what do you see the role of your church in Charlestown this coming year?

What kinds of things do you see yourself, perhaps the other persons at the church performing?

FR. BOYLE. First, perhaps, if it is permissible, could I read a statement? It is kind of "preachy." That is my vocation. It is, I hope, not too long. I hope it gives me a platform from which to work, though.

CHAIRMAN FLEMMING. How long is it?

FR. BOYLE. Oh, I would say it is about 6 minutes.

CHAIRMAN FLEMMING. Okay.

Fr. Boyle. The Gospels give me sufficient reason for my appearance here today, for one of the most issues of our time, the rights of man, his dignity, his innate value, his equality are outlined in the Gospels and happily are asserted in a special way by us Americans by the Constitution.

Man's equality is plainly evident to any person, who is aware of his own humanity.

I think we learned to be grateful to God for whatever gifts we may possess, and we pray to be protected and strengthened for whatever weaknesses can befall any human person. None of us is immune from frailty, none of us is immune from blindness, no one here is so without sin that we can cast the first stone.

I do not have any absolute answers to the dilemma of our beloved city. No one of us is sure of the right way with total clarity.

I think there is fear and anxiety expressed in both the black and white communities—I have been fortunate to serve in both—by very sincere people regarding this issue.

Of this I can be sure, however, that all of us, all of us, must do whatever—must often do what we do not like at times, in order to guarantee the rights of others and thereby guarantee our own rights.

Of this I can be sure, too, that much injustice has been done that needs correcting.

Of this I can be sure, that Boston and America are both diverse. And I wouldn't want it any other way. But that very diversity, if there is not deep, honest conversation and dialogue on all ends, can lead to misunderstanding. That misunderstanding can lead to hostility, and that hostility can lead to destruction.

That same diversity with openness, with real concern, can lead for all of us to growth, to enrichment and to solutions.

Of this I can be sure also. We had better prepare for the fall in the best possible way. If ever, as a community of people, all people in Boston, we will ever again as Christians, recite the Lord's Prayer, Our Father—not "my" Father, not "Dorchester's" Father, not "Roxbury's" Father, not "Charlestown's" Father, but "our" Father, then we better seek love as a solution, nonviolence as a solution, quality education of the whole man as a solution.

Of this also I am certain, that all of us here, that we all need the grace and the wisdom of God. Our own wisdom has not been sufficient.

I believe we are at a fork in the road, and we pray for that wisdom. We have spent tons of time—tons of energy on the problem. Let's spend as much on the solution.

I pray that God's healing power will be allowed in our midst. We are people who need each other desperately.

The words just given, I know, are the enunciation of principles, and are sort of a platform. But I think a necessary platform for my vocation. Goodness, however, of necessity, travels through the field of action.

On the other hand, action without principles is pointless or worse. Principles without action is barren.

As a priest, by role, my job is to help where I can, however I can, whenever I am able to be, by being accepted to others, to help.

I have been in the South End and in Charlestown, and have cherished people in both communities.

To go back to the orginal question, I have been at meetings of this group, the Charlestown Education Committee, now called. The reason for its being, I feel this is an absolute necessity for us as people to talk with one another no matter what area of conviction we might be in.

I think it has the potential of going into other areas beyond this busing situation, hopefully for the benefit of all.

We, as the church, I think, are willing to do whatever we can do. I have been on the streets before, I hope to be on them again, if that is necessary. I hope not to be on them again, because I hope it is not necessary.

I think other priests I have talked with have felt the same. We are willing to do whatever we can, whether it be to coordinate, to reach out, whatever might be possible.

MR. ALEXANDER. Has anything specific been done to this date?

FR. BOYLE. Outside of my going to the meetings, trying to get the pulse of the community, Father Joyeau [phonetic] was with me, traveling door-to-door, the streets, the community, playgrounds, the high school, talking with people; certainly I would say from the pulpit a lot has been said, I think, to set again a foundation of principle of operation.

I think we have tried to enunciate Christian principles on it. I think we have to realize, however, that it just takes time. And we are looking, probably, for the best areas where we can be of service. A lot of people in Charlestown, I think, are doing a lot of good work, to try to prepare the way.

MR. ALEXANDER. Mrs. Delaney, yesterday when—I'm sorry, on Monday, when former Deputy Mayor Kiley was here, we were talking about the kinds of informational resources that have been provided at the little city halls.

What kinds of things do you anticipate doing in terms of providing information to the community in relation to desegregation? Do you have any way of explaining in a short form, what the rationale and the theory of Phase II is, for example?

MS. DELANEY. Well, Charlestown is such a small, unique community. I think a little city hall can be really valuable. Last year on Phase I, we had the rumor control center where people would call direct. And I was so near that I could go to Frank Power, or to Mr. Prince and find out, and then call the people back, you know, and tell them "This was true," "This was not true."

So I think we can play a really important role in Charlestown, where, as I say, it is so small and so unique.

Mr. Alexander. Since you activated the little city hall, when, last year, almost over a year ago now, and when Charlestown was in a sense, minimally affected by Phase I, how come the function of the little city hall has not yet gotten underway, this year?

Ms. Delaney. Well, we couldn't really start with Phase II when Phase I wasn't even over yet, and we hadn't had the final Phase II plans. Everything hasn't been finalized yet.

Mr. Alexander. Is the student assignment thing necessary to start planning? Aren't there other types of plans, planning and coordination that can go on in anticipation of student assignment?

Ms. Delaney. I think we get right back to the same thing again, safety. We really can't go into any real deep plans until the principals have a student assignment, until the bus routes are set up.

Mr. Alexander. Do you think that your focus again will be a safety focus?

Ms. Delaney. Definitely. It has to be.

Mr. Alexander. Anything more than a safety focus?

Ms. Delaney. I will do anything I can for the community.

Mr. Alexander. Okay. No further questions at this time.

Chairman Flemming. Commissioner Horn?

Commissioner Horn. No questions, Mr. Chairman.

I would merely like to make one statement on the role of the local city halls, and that is that I think as you and everybody else knows, there is a great opportunity there because you are close to the people and you do have a line into city hall.

And I don't know the degree yet to which I detected that there has been, perhaps the advance planning and the discussion of options, even if the city administration did not know all of the options, or the timing of which options might be pursued.

And I guess just as an individual who also is an administrator, I would think anything could be done by individuals such as yourself, Mrs. Delaney, and those in the city hall, to tie that network together to carry out the law, is what is certainly needed to help solve a few of these problems.

Chairman Flemming. Commissioner Freeman?

Commissioner Freeman. Mr. Gardiner, I would like to refer to the proposal that you submitted in connection with the anticipated boycott, and in that connection, I would like to repeat a question to you that I asked an earlier witness. And that is concerning the role of the attendance officer and the extent to which there is accountability or should be accountability with respect to the attendance and how you make a distinction between the noncompliance with this law as against other laws?

Mr. Gardiner. Well, certainly there is no equation between noncompliance in terms of a normal school attendance and this situation that exists in the Charlestown community. I mean, there cannot be a parallel. Obviously, there are legal problems involved.

The intent is not to encourage youngsters to stay out of school; neither is it the intent to encourage youngsters to go to school. It would be made very plain to youngsters that, one, if they want to get an education, it has to happen in the school system, it cannot happen outside of the school system. And, two, that individuals involved in individual acts of illegality will be dealt with on an individual basis.

But you have to look at the situation as we perceive it in this neighborhood. And what I am concerned about, and others are concerned about, is that there will be large numbers of innocent kids on the streets, who otherwise will get into trouble if somebody doesn't do something about tnem.

COMMISSIONER FREEMAN. How innocent are they when they are violating the pupil attendance law?

MR. GARDINER. Well, that is a matter of opinion. They are innocent in the sense that either they, or their parents, refuse to send them to school as a matter of principle, and in that instance, they are innocent.

COMMISSIONER FREEMAN. Your agency purports to be a social service agency—

MR. GARDINER. That is correct.

COMMISSIONER FREEMAN. —which would, I suppose, then serve the needs of the people. Would not one of their primary needs be to get an education?

MR. GARDINER. Yes. And in that instance we would support any effort to give quality education for these youngsters. But that is the school department's business. That is their job to educate youngsters. We would certainly encourage it. Let me state, parenthetically, that we wish that the situation were such that we didn't have to address this issue.

COMMISSIONER FREEMAN. May I suggest that you really are not addressing it.

MR. GARDINER. Well, we are addressing the reality as we see it in this community. And the reality is that youngsters who otherwise may get in trouble, possibly will not get in trouble if something is done of an organized nature in this community.

This is also to encourage youngsters to go to school, so as to reduce the level of violence, to reduce the level of fear, to make it easier to implement Phase II.

COMMISSIONER FREEMAN. Does your agency have any constructive program to improve the climate in Charlestown, beginning with September?

MR. GARDINER. We are heavily involved in trying to organize the community again through this community affairs committee, which does involve all of the organizations in Charlestown, whose legitimate function it is to work with youngsters; the Boys' Club, the youth activities commission, the Girls' Club, various organizations that are working with youngsters.

COMMISSIONER FREEMAN. Thank you.

COMMISSIONER HORN. Commissioner Rankin?

COMMISSIONER RANKIN. Mrs. Delaney, do your children attend parochial schools?

MS. DELANEY. Yes, they do.

COMMISSIONER RANKIN. How are they—are they bused? Or do you take them in private car to these schools?

MS. DELANEY. They go to the local—two go to the local parochial school, which is a neighborhood school.

COMMISSIONER RANKIN. Inside Charlestown?

MS. DELANEY. Yes. And the other two go to Christopher Columbus in the North End of Boston, and they go by bus.

COMMISSIONER RANKIN. They go by bus?

MS. DELANEY. Yes.

COMMISSIONER RANKIN. About half the high school students go to parochial schools in Charlestown, we were told a while ago.

MS. DELANEY. Yes.

COMMISSIONER RANKIN. And they are bused, as a rule? Most of them?

MS. DELANEY. They are not bused. They go on a bus voluntarily.

COMMISSIONER RANKIN. Well anyway, they go on a bus, don't they?

MS. DELANEY. They are not bused, they go voluntarily by my choice.

COMMISSIONER RANKIN. Well, I want to—can I ask you this question, then?

MS. DELANEY. Yes.

COMMISSIONER RANKIN. What if the population of Boston was 99-99/100 percent white, would there be any objection to busing? To even forced busing, as you call it?

MS. DELANEY. Yes. Because it isn't freedom of choice.

COMMISSIONER RANKIN. So that is your real objection here, is it? Freedom of choice, is that it? It is not—racism doesn't enter in at all?

MS. DELANEY. No, it isn't.

I think every parent has the right of freedom of choice to send their children where they want them to go to school, to their own neighborhood schools.

COMMISSIONER RANKIN. What if the other school was better, and your neighborhood school was very poor?

MS. DELANEY. And they were forced to go on a bus?

COMMISSIONER RANKIN. And forced to go to the neighborhood school.

MS. DELANEY. They were forced to go to the neighborhood school?

COMMISSIONER RANKIN. Yes.

MS. DELANEY. It is kind of tricky.

COMMISSIONER RANKIN. I didn't mean to trick you; I just wondered about that.

Father Boyle, I would like to ask you a question.

FR. BOYLE. Certainly.

COMMISSIONER RANKIN. Here I come up here from the South. We have had our—I have always heard, he is a hotheaded Southerner or something like that. We have our likes and dislikes down South on things, and we didn't particularly enjoy the court stepping in and telling us what to do. But we have knuckled down to do it. Yet I—and we have tried to overcome our intense feelings. I can't put my hand on the intense feeling that exists up here, because in some ways I think it is more strong than what we had down South. Can you explain this?

Fr. Boyle. Not really. I think the neighborhood concept in Boston has been, in fact, a very strong factor for many years. I think while it is one city, it is still made up of many individual neighborhoods in a sense.

But I don't think that is the total answer. I think the problem would go down into other areas that I think possibly also ought to be considered, such as housing and other factors, I think, that are involved.

Commissioner Rankin. But it is still difficult to explain?

Fr. Boyle. Yes. I think the fear. I certainly would have to say there is some prejudice.

Commissioner Rankin. Well, it is not easy down South. We still have our problems, and we still have our troubles. But there is an intensity of feeling here that I notice. Maybe we had it 14 years ago, and you are just getting it today. It really is unusual, isn't it, as you look at it?

Fr. Boyle. Yes. I wish we had started 10 years ago.

Commissioner Rankin. Thank you.

Commissioner Horn. Commissioner Saltzman?

Commissioner Saltzman. Father Boyle, I would like to personally express my appreciation for your remarks as an introduction in the platform for where you are coming from. Particularly since in the earlier days of our hearing, community leaders and religious leaders have pointed out that in the past year, in response to Phase I, they maintained a low-key profile, did not exert what they considered adequate moral leadership in the community.

And where this moral leadership was largely silent from the business, the religious, the social service, the educational institutions, they felt that kind of lack did allow for perhaps, in the community, less cooperation than there might have been.

And I notice that there is a concentration on—in the community agencies represented here today—the safety of the pupil rather than on the active, supportive effort to implement the court order. And perhaps that kind of thing has a self-fulfilling quality to it, because as other witnesses have said, where in the community violence and obstructionism was expected, then people lived up to that expectation. And I fear in Charlestown, as I hear the stories, there is an expectation that may produce a self-fulfilling result, and that is a fearful kind of prospect for the next year.

It seems to me that there is some lack of information on individual rights, on constitutional rights, and the nature of America, which you point out is a diverse society and for which I think you expressed some thanksgiving.

And that in the future promise of what America can be, we must arrive at some sensitivity to this diversity and bring people of all races, of all national origins, of all religions, into some harmonious cooperative efforts, and in particular, in our school system if America is to be true to its highest quality and character.

Do you think an adequate formulation of that kind of spirit is taking place in Charlestown?

Fr. Boyle. I would say in general we are struggling toward it. I can't speak for others, because I would be conjecturing and all, but I would say we are struggling toward that. But I would like to say, in defense of fellow clergy of all faiths, really the profile in one sense was low, and yet friends of mine rode buses last fall and were on the streets and were where the action was happening.

On the other hand, it wasn't done with a great deal of fanfare. They just were there and they did put their head on the line. To a great extent, more could have been done, granted.

Commissioner Saltzman. Is there in Charlestown, an ecumenical effort of clergymen now being undertaken?

Fr. Boyle. I would say we have started toward that. I would have to say, in apology, though, I am really not the spokesman for the clergy of this town. I mentioned it before, the reason being, I am the most recent clergyman in the town, and certainly the most recent pastor. I have only been there about 7 to 8 months, at this point. I am just beginning to feel my way around, even know the names of streets and a lot of things. I am trying to get the pulse very heavily.

Certainly more could be done. I would say we are beginning to develop an ecumenical kind of thing. I sense that happening. We have had a few occasions which would be worship services to be together, but I see it happening more and more in other activities now.

Commissioner Saltzman. Thank you.

Chairman Flemming. Commissioner Ruiz?

Commissioner Ruiz. Speaking of forced busing, Mr. Gardiner, Father Boyle wishes this had started 10 years ago. Has it been your opinion that desegregation in the Charlestown area should have been implemented as long as 10 years ago?

Mr. Gardiner. Yes, it is. I wrote a piece which was published in the local newspaper to that effect, and I—you know, I would like to make it very clear that to my knowledge, the people with whom I talk and with whom I am associated, are not racists, are not anti anything. Charlestown is a very historical area of the city of Boston, as you know. The Kennedy Center for 10 years has been involved in the urban renewal process.

This is a town, a small town within a city, that was going under. There used to be 40,000 people. When the Kennedy Center was established, there were less than 11,000 people. The majority of them had problems, housing problems, educational problems, social, emotional problems, and whatever, so that all of these programs that have now been developed and are now approaching the million-dollar level, have been a response to the needs of the community.

And this is, once again, an effort to respond to the needs of the community. But we must remember that this community is a growing community. It is beginning to build back up. The population is back up to 17,000 or 18,000. New houses are being built, shopping centers are being built, the concept of "your neighborhood, your community school," has been part of the propaganda for 10 years, to build a pride in the neighborhood, and—

Commissioner Ruiz. Whom do you believe is principally responsible for this delay of 10 years?

Mr. Gardiner. The school committee.

Commissioner Ruiz. The school committee?

Mr. Gardiner. Yes.

Commissioner Ruiz. Now, if it is your belief that this should have been done in the past—

Mr. Gardiner. I don't believe it should have been done in this way, sir.

Commissioner Ruiz. Do you subscribe to the philosophy that it is better late than never?

Mr. Gardiner. Yes, it is. And in that capacity we asked Judge Garrity for a year's moratorium at which time we sent signed declaration by all groups in Charlestown, ROAR, Powder Keg, antibusing as well as probusing individuals, that they would sit down and work out an agreement for integration, providing it does not involve forced busing. This is a realistic possibility, in my opinion, because I know this community. I know other communities within the service area that I believe we could get voluntary parents—if they were assured of quality education—dealing with the issue of quality education at the other end of it.

Commissioner Ruiz. Well, we have to face the reality that that request was denied, wasn't it?

Mr. Gardiner. Yes, it was. Well, it was—we don't know, we never heard from them. We assume it was denied.

Commissioner Ruiz. Well, if you read the opinion, I don't think you would hear from him personally.

Mr. Gardiner. Yes.

Commissioner Ruiz. Can you elaborate on this? Hasn't the United States district court already decided that the individual rights that you speak about, and the freedom of choice Mrs. Delaney mentioned, has been set at rest under the Constitution of the United States by the court judgment? Isn't that an actual fact? Individual rights, freedom of choice, and all those matters were brought up.

From a judicial point of view, irrespective of your opinion on it, haven't those issues been now set at rest?

Mr. Gardiner. To the satisfaction of Judge Garrity.

Commissioner Ruiz. The United States district court?

Mr. Gardiner. Yes.

Commissioner Ruiz. And the United States Government as a consequence?

Mr. Gardiner. Yes.

Commissioner Ruiz. All right.

Now, Father Boyle said that misunderstanding will lead to hostility. Do you subscribe to the fact that misunderstanding leads to hostility?

Mr. Gardiner. Not necessarily.

Commissioner Ruiz. Do you disagree with the Father on the fact that misunderstanding does not lead to hostility?

Mr. Gardiner. Not necessarily, no. I don't think that that is a direct, you know, the—

Commissioner Ruiz. Assuming that misunderstanding does lead to hostility, would not the clearing up of the misunderstanding or any misunderstanding be of value?

Mr. Gardiner. Well, certainly information is good; misunderstanding leads to a lot of things. We deal with it every day in terms of the population that we service. Many of them are the poor and the disenfranchised and the culturally deprived. Incidentally, they will be the population that will be primarily involved this fall because those people who are able, economically, to afford to send their kids to private schools, will and already have done so.

Commissioner Ruiz. Now you have agreed with me that the individual rights issue under the court's decision, which you referred to Judge Garrity, has been settled judicially under the Constitution of the United States, that the matter has been set at rest. And, given the truth of Father Boyle's statement that misunderstanding leads to these matters that we are talking about, could you, as the executive director of the service center, disseminate information to clear up this misunderstanding?

Mr. Gardiner. I can and I have.

Commissioner Ruiz. And you have informed the people there that individual rights issue and freedom of choice issue have been settled and placed at rest by the United States district court? You have not informed them of that?

Mr. Gardiner. That is a function of the courts. But we have worked with the community affairs people of the Justice Department; we have organized this committee, you will hear from Mr. Gillen later on, who is the chairman of this committee. He is also the vice president of my board of directors.

We have tried to bring together a variety of people whose opinions are quite different in terms of this issue, to keep them talking, to keep the channels of communication open. We have tried in a number of ways to communicate. But it is not my function to communicate the court's ruling to a population that fully understands that this is the court's ruling, but that disagree with it, disagree with that ruling and would like a constitutional change, which we understand takes a number of years.

But there are people who are dedicated to that process, which is, you know, a long-term, many-years-away process. But that feel very strongly about the issue.

Commissioner Ruiz. Then it is not a misunderstanding but it is a disagreement with the court's ruling, which represents the law of the land.

Mr. Gardiner. I am saying a lot of the people disagree with it, yes.

Commissioner Ruiz. Yes, that is right.

Mr. Gardiner. And this is why—these are the same people that, either because of this, or because of the forced busing issue, will in all probability, keep their children out of school.

Commissioner Ruiz. You have made yourself clear.

Mr. Gardiner. Thank you.

Chairman Flemming. Counsel, are we calling, at any time, a representative of the Bunker Hill Community College? I don't see it on here.

Mr. Alexander. No, we aren't.

Chairman Flemming. All right. Earlier testimony did bring out the fact that the Bunker Hill Community College is the college that is going to work with the school system of Charlestown in connection with the Judge's order. I am wondering if one or a number of you could just put into the record some information relative to the college, the size of the college in terms of enrollment, and what the relationship of the college is to the community.

Mr. Glick. Mr. Chairman, the staff—

Chairman Flemming. Well, I would like to hear from the witnesses now. I am wondering if Ms. Delaney might start, and then the others add.

Ms. Delaney. Well, on the committee that we have, the committee on education that has been meeting, one of the professors at the college has been working very closely with us, Mort O'Shea.

Chairman Flemming. What is the feeling of the community relative to the community college? Is it related closely to the life of the community?

Ms. Delaney. Yes, it is. Yes, the community has fought many years for a community college.

Chairman Flemming. How old is it, approximately?

Ms. Delaney. The community college opened last year.

Chairman Flemming. Opened last year?

Ms. Delaney. Yes.

Chairman Flemming. Do you have the approximate enrollment?

Ms. Delaney. 2,500, approximately.

Chairman Flemming. Okay. As Counsel suggests, we can get that for the record. I thought you might just have it in mind.

Okay, any other comments on the college? Father Boyle?

Fr. Boyle. Well, my experience is, they were more than willing to try to get involved in the best possible way and to be very supportive in anything that was being done for the good of the community.

Chairman Flemming. Right. Right. Mr. Gardiner.

Mr. Gardiner. Again, it is a very positive relationship. As a matter of fact, we have many of our community affairs meetings relative to this issue at the community college, at which a staff person has been assigned. I have talked with the president personally about the whole issue, and about what we are trying to do. And, of course, his position is mandated by the courts. He is responsible to work with the high school and has, according to Mr. Power and his own opinion, been fairly successful in developing programs. We have a very good relationship in terms of our aides, who take courses and the students, the trainees in our Headstart classes. So we have a very good reciprocal relationship.

Chairman Flemming. Do you help support any of the programs at the college?

Mr. Gardiner. I don't know what you mean by support them. We certainly support the concept of having the college come to Charlestown.

Chairman Flemming. Yes, I understand. But are there any special programs that have been worked out between the college and your senate?

Mr. Gardiner. We had an alcoholic counselor training course, which we worked out with the college; and as I said earlier, we have our aides in the Headstart program who take courses to get toward a degree; and we also have students coming into our Headstart program as trainees.

Chairman Flemming. On behalf of my colleagues, may I—oh, I am sorry. Our Staff Director, Mr. Buggs, has a question. John?

Mr. Buggs. Mr. Gardiner, I certainly don't want you to think that I am facetious in asking this question, but I really would like to have your definition, and perhaps the definition of people with whom you have talked in Charlestown, of the phrase "forced busing." What does it really mean?

Mr. Gardiner. It means having to have their children go outside of the school district, the neighborhood school district.

Mr. Buggs. So it doesn't have anything to do with the bus?

Mr. Gardiner. Well, the bus—not with the bus per se. You know, if you flew them out, then it would be forced helicopters. It is the concept of forcing children to go to school other than the school that is near their home.

Mr. Buggs. We had a witness this morning, who was a very good witness, and who testified that she took her own child to a school which she had previously not wanted her to go to. She does not seem to have any concern about her daughter going to that school now. But she suggests that she did that because she was opposed to forced busing. What is the difference between what she did in her own car, and what the bus might have done?

Mr. Gardiner. If I could answer that, I could resolve the whole civil rights issue that has been going for 15 years. There are a number of people in Charlestown who would be willing to send their children, again as I say, if they were convinced that their children would receive quality education.

Mr. Buggs. So it isn't a matter of forced busing even?

Mr. Gardiner. For some it is. For some it is a matter of individual rights. For others, it isn't.

Mr. Buggs. Well then why does everybody use forced busing as a concern?

Mr. Gardiner. Well, because the whole concept of this is your neighborhood school, for example, you have a neighborhood board of directors and they are elected to run programs for the neighborhood within the schools, courses are tailormade for the needs of the neighborhood. There is an association with the school as vital organ within a neighborhood.

Now the whole concept of neighborhood schools, which people have just spent 10 years to understand, is being broken down; children are now going to be bused outside of the neighborhood schools and then coming back after school, which is a very artificial kind of relationship for all children concerned in terms of their association with that school.

Mr. Buggs. What about those that voluntarily, in one way or another, take their children out of the community to go to a private school?

Mr. Gardiner. Then that is—

Mr. Buggs. That is their right.

Mr. Gardiner. —their right.

Mr. Buggs. Of course it is. So that they aren't really that much concerned about moving them out of a neighborhood school?

Mr. Gardiner. Well, yes they are, but they are moving them out now because of the loss of the neighborhood school. It is no longer going to be a neighborhood school.

Mr. Buggs. So they take them to another person's neighborhood school.

Mr. Gardiner. Yes. They take them to another school. The whole concept of neighborhood schools is being broken down.

Mr. Buggs. Would it be a contribution to any kind of understanding if individuals, for example, like yourself who—I think you have explained the concept of forced busing—would use another phrase to identify precisely what the problem is? Because the problem really is not that bus, that inanimate object, the bus. It is something else, isn't it?

Mr. Gardiner. Well, it is the "forced."

Mr. Buggs. Not the forced bus though?

Mr. Gardiner. Well, what term would you use? It is the transportation.

Mr. Buggs. It is the requirement then, for desegregation.

Mr. Gardiner. To my knowledge, I have not heard one individual verbalize that he or she cared about children coming into the school in terms of integrating the school. The concern is that their children will have to leave their neighborhood school and be force-bused out.

Mr. Buggs. Then why would there be a boycott of the Charlestown school, where children will be bused in?

Mr. Gardiner. Children will be bused out.

Mr. Buggs. In. I suspect that the boycott was not to the schools to which they would be bused, but to the schools to which they had previously gone.

Mr. Gardiner. The information that I have is the children who will boycott school will be children who will not, either because of their judgment or because of their parents' judgment, would have been sent to a school other than their neighborhood school.

Mr. Buggs. And they will boycott the school to which they had been sent?

Mr. Gardiner. And they will choose not to go.

Mr. Buggs. Will there be pickets, do you suppose?

Mr. Gardiner. I do not know.

Mr. Buggs. No further questions.

Chairman Flemming. Commissioner Freeman, did you have another question?

Commissioner Freeman. Mr. Gardiner, perhaps one of you, does anybody walk to school here in Boston?

Mr. Gardiner. Quite a few. Quite a few do.

Commissioner Freeman. Then you also object to forced walking?

Mr. Gardiner. Well—

Commissioner Freeman. You indicated that the community has grown quite a bit; that at one time there were 10,000 and now there are about 17,000, and there is a great deal of construction that is going on. So my question is concerning the housing. I believe somebody also said that the population of Charlestown is 99.44 percent white. Suppose minorities would then buy homes in Charlestown, do you know of any objection that would be made to those—to black people moving into Charlestown?

Mr. Gardiner. I don't know of any, if they want to buy homes, if there are homes available.

Commissioner Freeman. Are there any vacancies in Charlestown?

Mr. Gardiner. Several.

Commissioner Freeman. There are several?

Mr. Gardiner. The housing in Charlestown that is being built is of a very limited nature.

Commissioner Freeman. Limited in what respect?

Mr. Gardiner. Just because there isn't that much land left.

Commissioner Freeman. Is it new?

Mr. Gardiner. Yes. And rehabilitation.

Commissioner Freeman. Is it adequate; is it decent, safe, and sanitary?

Mr. Gardiner. You mean all the housing in Charlestown?

Commissioner Freeman. That is being built?

Mr. Gardiner. Oh, yes.

Commissioner Freeman. So that actually, in terms of the structure, it would be a house that would be acceptable for a person to live in and it would be comfortable?

Mr. Gardiner. I would assume so.

Commissioner Freeman. Would you know of any hostility that a black family would encounter if that person moved into Charlestown?

Mr. Gardiner. I wouldn't know of any. That is not to say there wouldn't be any. You know, I don't know.

Commissioner Freeman. Based upon what your feeling is of the "neighborhood" you talked about, "spirit," etc., how would you guess it would be?

Mr. Gardiner. I would guess that that if the family bought into a—bought a home in a neighborhood, that they would be fairly well received. Again, I think it's the issue of if the city or State buys a tract of land and builds a house and mandates that 50 percent of that population be black, again, it's the issue of the superimposition on a community.

Commissioner Freeman. Well, the community does not own that tract of land, does it?

Mr. Gardiner. No. Well, this is a hypothetical example. Again, it's, you know, it's—it's—you asked me, "If somebody came in and bought a house, how would they be received?" I would say they would be received fine as neighbors within that context of a neighborhood. And those kids that went to the neighborhood school would enjoy the neighborhood school. It's the forced issue that's at stake.

Commissioner Freeman. What is the forced issue with respect to that tract you were talking about?

Mr. Gardiner. Well, if, if, for example, multiple housing was built and 50 percent of that housing had to be black or minority, I would imagine that there would be some problems; again, because of the force—forceness of the issue.

Commissioner Freeman. Well, you're not—you wouldn't be forced to live there. So what would your—what would the objection be?

Mr. Gardiner. I am—I am speculating that there might be some objection on the part of the people. I don't know. You're asking me—you know, you're asking me to speculate on how people would react.

Commissioner Freeman. And you're saying that if there was multiple housing in Charlestown—

Mr. Gardiner. I'm saying that the issue is one of the forced issue, or the numbers game.

Commissioner Freeman. Well, do the people in Charlestown pay their taxes?

Mr. Gardiner. To my best knowledge, they do.

Commissioner Freeman. Yes, and that's not voluntary, is it?

Mr. Gardiner. No.

Commissioner Freeman. Thank you.

Chairman Flemming. On behalf of the Commission, may I express our appreciation for your coming and making it possible for us to become better acquainted with the community and sharing with us the approaches that are being taken to this basic issue, particularly as it applies to your—will apply to your community during this next school year. Thank you very much. Counsel will call the next witnesses.

Mr. Stocks. Eileen Brigandi, Virginia Winters, Tom Johnson, and Pat Russell.

[Whereupon, Eileen Brigandi, Virginia Winters, Tom Johnson, and Pat Russell were sworn by Chairman Flemming and testified as follows.]

TESTIMONY OF EILEEN BRIGANDI, BOARD MEMBER, CHARLESTOWN COMMUNITY CENTER; VIRGINIA WINTERS, COORDINATOR, CITYWIDE EDUCATION COALITION; TOM JOHNSON, PRESIDENT-ELECT, HOME AND SCHOOL ASSOCIATION, CHARLESTOWN HIGH SCHOOL; AND PAT RUSSELL, PRESIDENT, POWDER KEG INFORMATION CENTER FOR CHARLESTOWN

Mr. Stocks. Would you state your name, address, and occupation. Start with Ms. Russell.

Ms. Russell. Pat Russell, 9 County Court in Charlestown, parent of nine children.

Mr. Stocks. Mr. Johnson.

Mr. Johnson. Thomas Johnson, 71 Baldwin Street, Charlestown.

Ms. Winters. Virginia Winters, 41 Corey Street, Charlestown. Youth activities commission.

Mr. Stocks. Ms. Brigandi.

Ms. Brigandi. Eileen Brigandi. 9—

Mr. Stocks. Will you turn that microphone around, please, so we can get on the record.

Ms. Brigandi. Eileen Brigandi, 92 Bartlett Street, Charlestown.

Mr. Stocks. Would counsel, I presume, introduce themselves?

Mr. Galvin. I am attorney Vincent Galvin of 40 Broad Street, Boston, with offices at 40 Broad Street, Boston, and I am here to accompany, advise, and as counsel to Mr. Johnson in accordance with Section 702.7.

Mr. Stocks. I couldn't hear the name, counsel, could you repeat it?

Mr. Galvin. Vincent Galvin.

Mr. Dinsmore. Attorney Robert Emmett Dinsmore, 31 St. James Street, Boston, and I represent Mrs. Russell.

Chairman Flemming. Do you mind repeating again? Your mike wasn't on right at the beginning. If you'll just repeat that, we'd appreciate it.

Mr. Dinsmore. Attorney Robert Emmett Dinsmore, 31 St. James Avenue, Boston, Mass., and I represent Mrs. Russell.

Mr. Stocks. Ms. Brigandi, how long have you lived in Charlestown?

Ms. Brigandi. I was born and brought up in Charlestown.

Mr. Stocks. Are you a parent?

Ms. Brigandi. Yes, I have two children in the Boston school system.

Mr. Stocks. What school do they go to?

Ms. Brigandi. They go to the Trotter School in Roxbury, which is part of the subsystem.

Mr. Stocks. Part of the what system?

Ms. Brigandi. It's a magnet school.

Mr. Stocks. All right. Why did—were your children bused to the Trotter School?

Ms. Brigandi. Yes, they are voluntarily bused.

Mr. Stocks. For what reasons did you voluntarily have them bused to the Trotter School?

Ms. Brigandi. Well, there are a lot of reasons that I chose to bus my children, one of which was a good education. I found the Trotter to be a much better school than anything available in Charlestown. Second of all, I wanted them to have a good experience with busing. I feel that busing is here. It's the law; it's going to happen. And if it—being in the Charlestown schools last year at the beginning of the year, they had developed fears about busing, seeing yellow buses, what a black person was; so I felt that by busing them now when it was fairly quiet, that it would be good for them.

Mr. Stocks. Could you describe the effect of having your children in an integrated public school and being bused every day thereto? Did it have any effect on you and your children?

Ms. Brigandi. There were some negative effects and there are positive effects. I think they have learned in a positive way to handle themselves and deal with space, deal with other people, to get out of the community and mix with people. Some negative things they don't like is the time involved with the bus, but they have adjusted to that and they still have their friends in the neighborhood when they do come home from school.

Mr. Stocks. Did you have any misgivings over your decision to have them go outside of the neighborhood school?

Ms. Brigandi. Not at all.

Mr. Stocks. How did you reach this decision?

Ms. Brigandi. Of what?

Mr. Stocks. To send them outside of the neighborhood.

Ms. Brigandi. Well, again, it's a—I felt that an integrated school was the best place to be educated. It's a better place to learn and grow. And also that—that the education available at the Trotter was much better than in Charlestown, which I needed because my son is under 766 and programs available in special ed weren't there. So—

Mr. Stocks. Would—could you tell us something about your background and upbringing in Charlestown since you've lived there all your life? What kind of a neighborhood and home and school experience did you have there in Charlestown?

Ms. Brigandi. That's kind of a broad question.

Mr. **Stocks**. Did you go to school there?

Ms. **Brigandi**. Yes, I was—grew up, I went to a parochial school in Charlestown. I went to a Catholic high school in Cambridge.

Mr. **Stocks**. How did you get to the Catholic high school in Cambridge?

Ms. **Brigandi**. I—by bus.

Mr. **Stocks**. Was that voluntary?

Ms. **Brigandi**. Well, just given the other option of Charlestown High.

Mr. **Stocks**. Since you grew up in Charlestown, why didn't you go to the Charlestown schools?

Ms. **Brigandi**. Well—I don't understand.

Mr. **Stocks**. Why did you go to the parochial school as opposed to—in Cambridge as opposed to the school in Charlestown?

Ms. **Brigandi**. Because we were Catholic and believing that Catholic education was better than public education. At that time that's what the belief was.

Mr. **Stocks**. How did you find the Trotter School in terms of the quality education? What kinds of things were there for your children that weren't in the Charlestown schools?

Ms. **Brigandi**. Well, some of it was just the physical structure of the building. Each classroom was a lot smaller versus the open space which led to more control and more individual attention within the classrooms. It had team teaching and it had a lot of other services available. It had a gym with a teacher, which the "Kenn" had a beautiful gym and equipment, but no gym teacher. It had more facilities.

Mr. **Stocks**. When school desegregation occurred, did you have any fears about the kinds of social changes you saw occurring outside of Charlestown?

Ms. **Brigandi**. I don't understand the question.

Mr. **Stocks**. Well, were you concerned about violence in other areas of the city?

Ms. **Brigandi**. I think as a parent, every parent in Boston right now is concerned about violence.

Mr. **Stocks**. Did you have fears for your children?

Ms. **Brigandi**. Yes.

Mr. **Stocks**. How did you make the decision to have them go to the Trotter School with those fears?

Ms. **Brigandi**. I think just a lot of hope that people are basically good and that people who handled the bus situation, the bus monitor, the bus driver themselves, were good and capable people so that I could trust my children's care to them.

Mr. **Stocks**. Do you think other parents in Charlestown, if they saw other schools and went through their process, would not be so fearful?

Ms. **Brigandi**. I think it might help a segment of people that are concerned with good education in Boston and aren't—whether or not you need the facility of a bus to get to that school. I think safety is the biggest issue and that if people were sure that there wouldn't be any kids there or people there with rocks throwing them at buses, then they would be more apt to do it.

Mr. Stocks. Thank you. Mrs. Winters, are you a member of any organization that is working on school problems?

Ms. Winters. I am currently employed by the youth activities commission with the Citywide Education Coalition.

Mr. Stocks. What do you do in that as—in that slot?

Ms. Winters. Well, right now, I have been accumulating information, establishing working relationships with the principals in the schools, with the education committee in Charlestown and just trying to bring the information to the people of the community.

Mr. Stocks. Well, based on that contact, what educational issues would you say concern the Charlestown parents most?

Ms. Winters. I think that primarily there the forced busing issue is uppermost in everyone's mind.

Mr. Stocks. How does the parent, other than your organization, get information about what's happening in the schools of Boston, particularly as to Phase II?

Ms. Winters. Well, the Home and School Association has been disseminating information, the papers, and I guess there has been a lot of word of mouth information passed around.

Mr. Stocks. Has the Boston school system provided any information?

Ms. Winters. How do you mean?

Mr. Stocks. Well, do you know of any information that has been distributed from the Boston school system to the parents in Charlestown?

Ms. Winters. Well, they have the information center that is available and then I have always found that as a parent, I could go to school and get what I desired from the principals.

Mr. Stocks. Has the city, either through the little city hall or through the city—main city hall, disseminated any information in Charlestown that you know of?

Ms. Winters. Not directly that I know of.

Mr. Stocks. Were you a member of the Home and School Association also?

Ms. Winters. Yes, I am currently president of Charlestown High Home and School Association.

Mr. Stocks. How often did the association meet when you were president?

Ms. Winters. I'm afraid that it was not a cohesive group. It really—it really had no history of cohesiveness. It was a catch as catch can group. This year we had the first election that I know of and the—the regional for the Home and School did organize some meetings.

Mr. Stocks. Well, how do you account for the fact that the Home and School Association was, as you describe it, a catch-as-catch-can group rather than a, let's say an ongoing organization in the community?

Ms. Winters. That's awfully hard to pin down. I think that up until this time, there, you know, people were pretty content with letting their kids go to their neighborhood schools and not have to worry about it. But now the role has changed. People are coming out more for things like that because of the Phase II.

Mr. Stocks. Is your response that when there—before the busing or before desegregation of the schools, people took no interest in the Home and School Association?

Ms. Winters. I wouldn't say they didn't take any interest in the Home and School Association. I think that a lot of us were bogged down with other things that were important to us at that time. And now the home and school has become a vehicle for us to communicate with the courts and people using it a little bit more.

Mr. Stocks. It's taken on a higher priority; is that a fair assessment?

Ms. Winters. Yes, right.

Mr. Stocks. Is there any rumor control program in Charlestown that you know of?

Ms. Winters. Not right at the moment, no.

Mr. Stocks. Do you think there should be one?

Ms. Winters. I think it could be a good thing.

Mr. Stocks. Who do you think should run it?

Ms. Winters. Well, it should be a joint effort, I think, of community people and the school people and the city agencies.

Mr. Stocks. Do you think the Home and School Association should be involved in such since that represents school people and community people?

Ms. Winters. They could be.

Mr. Stocks. Now that the Phase II order has been made, have you made a decision regarding your children's education this fall?

Ms. Winters. Yes, I have.

Mr. Stocks. Would you tell us that decision?

Ms. Winters. I used the choice of both district and citywide schools.

Mr. Stocks. What factors do you recall right now that might have influenced you to make that decision?

Ms. Winters. Well, I have seven children that are currently enrolled in public schools in the city of Boston. I cannot afford private education for them and they must have an education if they are to become adults and be able to make their way in this world.

Mr. Stocks. So you decided that it's important they go to school this fall?

Ms. Winters. Yes, it is.

Mr. Stocks. Do you think other parents in Charlestown are going to come to that same conclusion?

Ms. WINTERS. I think so.

MR. STOCKS. Okay. Thank you. Oh, one more question. In your view, what is likely to be the response of the Charlestown community to busing this fall?

Ms. WINTERS. I don't know.

MR. STOCKS. Would you care to hazard a guess?

Ms. WINTERS. No.

MR. STOCKS. Okay. Thank you.

Ms. Russell, do you live in Charlestown—in the Charlestown area?

Ms. RUSSELL. Yes, I do.

MR. STOCKS. How long have you lived there?

Ms. RUSSELL. I was born and brought up in Charlestown.

MR. STOCKS. Do you work in Charlestown also?

Ms. RUSSELL. Pardon me.

MR. STOCKS. Do you work in Charlestown also?

Ms. RUSSELL. I'm with the children, yes.

MR. STOCKS. With—at the Boys' Club, is that correct?

Ms. RUSSELL. Yes, I am.

MR. STOCKS. What do you do there?

Ms. RUSSELL. Cook.

MR. STOCKS. Are you active in any other community organization in Charlestown?

Ms. RUSSELL. Yes.

MR. STOCKS. Are you the president of the Powder Keg Information Center?

Ms. RUSSELL. Yes.

MR. STOCKS. Can you tell us what the information center does?

Ms. RUSSELL. It's a private organization.

MR. STOCKS. Does it have a purpose?

Ms. RUSSELL. I'm pleading the 1st, the 4th, the 5th, and 6th, and the 14th amendment.

CHAIRMAN FLEMMING. I'd like, if I may—just a moment, I'd like to make a statement at this point before the Counsel proceeds further, so that I'm sure that the witnesses understand the role of the Civil Rights Commission and our objectives. We tried to make clear in my opening statement on behalf of the Commission that we have come to Boston in order to obtain information relative to both operations under Phase I and Phase II.

The evidence that is developed at this hearing will be evaluated by the Commission and on the basis of that evaluation, we will prepare a report which will contain findings and recommendations. We feel under obligation to do everything we can to have in our record all points of view. If we came to Boston or went to any other city and conducted a hearing and through that hearing endeavored to get on the record just one point of view on a difficult issue, we would very properly be subject to criticism.

We are anxious to hear and we are anxious to have on the record both points of view. When the Congress of the United States created the Civil Rights Commission, it conferred on it the same authorities that congressional committees have. Namely, in order to enable it to get both points of view in the record before it reaches a conclusion, it authorized the Commission to issue subpenas and to put persons under oath. And our basic objective is to have a record that represents all points of view.

Now, with that statement, I would like to return to Counsel and ask him to proceed in the light of the statement that has just been made by the witness.

Mr. Stocks. I'll go back to the first question. Are you the president of the Powder Keg Information Center?

Chairman Flemming. That's already in the record.

Ms. Russell. First, 4th, 5th, and 6th, and 14th amendment.

Chairman Flemming. Counsel, in response to that question that you just asked, the witness had already answered that question.

Mr. Stocks. Thank you. Would you describe the activities of the Powder Keg Information Center in regards to school desegregation?

Ms. Russell. First, 4th, 5th, 6th, and 14th amendment.

Mr. Stocks. Is the Powder Keg Information Center concerned with educational issues other than school busing?

Ms. Russell. First, 4th, 5th, 6th, and 14th amendment.

Mr. Stocks. Does it have any proposals for improving the quality of education in Charlestown schools?

Ms. Russell. First, 4th, 5th, 6th, and 14th amendment.

Mr. Stocks. Does it have a position regarding Section 766, Special Needs for Children in Charlestown?

Ms. Russell. First, 4th, 5th, 6th, and 14th amendment.

Mr. Stocks. Does it have a position regarding Title I programs?

Ms. Russell. First, 4th, 5th, 6th, and 14th amendment. I also cite pages 17, 18 of the report issued by this agency and released on March 11, 1973.

Chairman Flemming. Counsel has asked that I instruct you to answer the questions. The issues that you have raised are similar to issues that were raised earlier today. The Commission will take under advisement the request of the Counsel that I instruct you to answer the question. We will ask your counsel to prepare a memorandum specifying how the questions that have been addressed to you reflect a—or involve your rights under the amendments that you have cited. The subpena under which you have appeared before the Commission remains in effect and I will instruct on behalf—instruct you on behalf of the Commission to be here at 9 o'clock on Friday morning and at that time, we will advise you of our decision on the issues that you have raised.

Mr. Dinsmore. Mr. Chairman, there is one more point that the lady would like to raise and that is the service itself. The subpena was served not in accordance with the rules that govern this agency.

Chairman Flemming. All right. Again, I will ask you to, in your memorandum that you are to file with us by 5 o'clock tomorrow afternoon, to specify your reasons for feeling that the subpena was not served in accordance with our rules.

Mr. Dinsmore. Mr. Chairman, do I understand it now that I will have till 5 o'clock tomorrow?

Chairman Flemming. That's correct.

Mr. Dinsmore. I think earlier you said 2 o'clock on the other young lady from South Boston.

Chairman Flemming. I think—I think it's your request, you know, you asked for—

Mr. Dinsmore. That's right.

Chairman Flemming. —2 o'clock Friday.

Mr. Dinsmore. Yes, I did.

Chairman Flemming. So, my suggestion was 5 o'clock tomorrow rather than 2 o'clock Friday so that we can consider these matters tomorrow evening. As you know, we have a full schedule for tomorrow. We can consider it tomorrow evening and then advise you and your clients of our decision on Friday morning.

Mr. Dinsmore. Honorable Chairman, may we now be excused from this proceeding until—

Chairman Flemming. Yes, with the understanding that the subpena is still in effect and that your client will appear at 9 o'clock on Friday morning.

Mr. Dinsmore. She will be here and I will file a memo by 5 o'clock tomorrow.

Chairman Flemming. Thank you very much.

Mr. Dinsmore. Thank you, sir.

Mr. Stocks. Mr. Johnson, do you live in the Charlestown area?

Mr. Johnson. I do.

Mr. Stocks. How long have you lived there?

Mr. Johnson. All my life.

Mr. Stocks. Are you a officer of the Home and School Association in Charlestown?

Mr. Johnson. Elect.

Mr. Stocks. What office?

Mr. Johnson. President-elect.

Mr. Stocks. All right. When do you take office, Mr. Johnson?

Mr. Johnson. I really couldn't tell you.

Mr. Stocks. There's no designated term?

Mr. Johnson. Whenever she wants to give it up, I guess.

[Laughter.]

Mr. Stocks. I'm a little confused. Perhaps you can explain to me how you can be president-elect and not have a definite term.

Mr. Johnson. I imagine it will start somewhere around September.

Mr. Stocks. Oh, okay. So that you will then be the president during the coming school year?

Mr. Johnson. Right.

Mr. Stocks. As president-elect of the Charlestown High School Home and School Association, what role do you think that association should play in assisting the lawful implementation of Phase II school desegregation?

Mr. Johnson. I'm just a president. I'm not going to have any say in how the high school is going to be run, Home and School. We have a board of directors.

Mr. Stocks. You don't make—you don't participate with the board of directors?

Mr. Johnson. I will. But I don't have a say in it. I don't have a vote.

Mr. Stocks. Do you have any opinion as to what the Home and School Association might be doing?

Mr. Johnson. Doing better than they were.

Mr. Stocks. I meant what they might be doing in the fall to help Phase II.

Mr. Johnson. No opinion.

Mr. Stocks. You were elected to head an association which you have no opinion about?

Mr. Johnson. I won't know until I start.

Mr. Stocks. Does the Home and School Association have a statement of purpose, and if so, do you know it?

Mr. Johnson. Not really. It's the first time out.

Mr. Stocks. Do other Home and School Association have any statement of purpose?

Mr. Johnson. I imagine they have. You'd have to ask them.

Mr. Stocks. Is this Home and School Association just recently formed?

Mr. Johnson. I really don't know.

Mr. Stocks. What proposals or recommendations would you make as incoming president of the Home and School Association to improve the quality of the education in the high school?

Mr. Johnson. Have more meetings than we had in the past.

Mr. Stocks. There is a report in the press that you're a member at large of the executive board of ROAR, is that so?

Mr. Johnson. I refuse—what's that again?

[Laughter.]

Mr. Johnson. I respectfully decline to answer that question on the grounds of 17C, subparagraph A, subparagraph 6.

Mr. Stocks. Of what, counsel?

Mr. Galvin. Title 42, Section 1975 C.

Mr. Stocks. Have you worked in the Powder Keg Information Center in Charlestown during the last year?

Mr. Johnson. Same thing goes as the other question.

[Laughter.]

Commissioner Horn. Mr. Chairman and counsel, just what is the citation referred to? 42 USC 1975 C; how long is it? Can it be read to the Commission so we know on what ground the witness is refusing to answer the question?

Mr. Galvin. I will do the best I can.

"1975 C. Duties; report; termination. Subparagraph A. The Commission shall—and then it goes on paragraph 1, 2, 3, 4, 5, and 6, and 6 says:

> Nothing in this or any other Act shall be construed as authorizing the Commission, its advisory committees, or any person under its supervision or control to inquire into or investigate any membership, practices or internal operations of any fraternal organization, any college or university fraternity or sorority, any private club, or any religious organization.

Commissioner Horn. So your argument, counsel, is that this group that you—that counsel was directing a line of questioning about is a private club, I take it?

Mr. Galvin. I'm going on the assumption that it is. Frankly, Mr. Vice Chairman, I do not know. I have never seen any evidence to the contrary and I'm going on the assumption that it must be. I heard it as Powder Keg today for the first time. It sounds to me like a private club.

Commissioner Horn. I take it if this line continues that the Chairman will probably be asking you to write a memorandum to elaborate on this point, I would assume.

Chairman Flemming. I was hopeful that in this case that counsel might present his reasons for feeling that these questions come under this particular provision, but I gather that you would like to have time to develop a memorandum because apparently you have not been apprised of all the facts regarding these two organizations yourself.

Mr. Galvin. With reference to one of the organizations, I have done some research and I have been unable to ascertain that it is an organized—that it is anything other than a private club. With reference to the other one, I'm going on the assumption that it's a private club.

Chairman Flemming. One—

Mr. Galvin. Unless I see some evidence to the contrary, I—

Chairman Flemming. The one where you've done some research is the Home and School Association, is that correct?

Mr. Galvin. No, Mr. Chairman. That I'm sure is not a private club.

Chairman Flemming. All right. But that—

Mr. Galvin. I assume it's not a private club.

Chairman Flemming. Wait a minute. We've got two questions, counsel; am I correct? You asked one question relative to the Home and School Association.

Mr. Galvin. And that does not bother us at all, Mr. Chairman.

Chairman Flemming. All right. Those—that line of questioning does not trouble you. And then you've asked another question about ROAR, and another one about the Powder Keg Information Center. ROAR you have done some research on. The Powder Keg Information Center you have not.

Mr. Galvin. Well, I suppose it's negative information. I said that from my investigation I cannot ascertain that ROAR is an organized club that would be anything other than a private club coming within the protection of this particular section.

Chairman Flemming. Well, if the witness, Mr. Johnson, through your desires to press this particular issue, then I would make the same request, that you file with us a memorandum—doesn't need to be a brief, I think, but a memorandum, where you set forth the facts as you see them in behalf of your client. We will take that under advisement, and the subpena will continue in effect. I'll request your client and you to be with us at 9 o'clock Friday morning, at which time we will make a decision.

Mr. Galvin. Mr. Chairman, inasmuch as my client has answered each question responsibly up until we came to that particular section that applies, to what I would construe to be a private club and beyond the scope of this inquiry, we are still—my client is still here. He has not asked to be excused. Do I construe this action of the board—of the Commission at this time that that's all my client is being interrogated concerning?

Chairman Flemming. No. The Counsel may have some other question to which he may respond, and members of the Commission may have questions that they would like to address to him on matters other than the two that are now at issue. So we would appreciate it very much if you and your client could stay and could participate in the rest of the discussion. There will be questions on the part of the members of the Commission addressed to the members of the panel, including Mr. Johnson. Some of those questions may be based on answers that he's already given to the other questions.

No, I recognize this as a different situation. You've raised just two specific issues, which you have asked the Commissioner to consider, and which we will consider.

Counsel, do you have further questions?

Mr. Stocks. Have you publicly supported the Powder Keg Information Center?

Mr. Galvin. I'm sorry, Your Honor, this goes back to the Powder Keg situation. That's a powder keg.

Mr. Stocks. Have you publicly supported the position of ROAR?

Chairman Flemming. The Counsel is simply getting now into the record the line of questions that he had on both of these organizations, and I understand, as he does, at this point, that you will respond, apparently, in the same way.

Mr. Galvin. Well, Mr. Chairman, I'm afraid that now the questions are going into a different avenue, to which there would be a constitutional right to remain silent; to wit, the fourth amendment, to this client to remain secure in his person, house, and among his papers and effects. What his attitude would be, what he'd support, how do I know? But I submit that my brother has no right to go into how he thinks, whether he thinks Catholic, Protestant, or what?

Chairman Flemming. May I suggest that the line of questioning be continued. You respond, your client respond to each question in whatever way he—or you advise him to respond.

Mr. Stocks. Let me understand for the record, counsel, you're saying that in response to both the questions as to whether or not your client has publicly supported either of those organizations or their positions, is that that is a violation of the fourth amendment?

Mr. Galvin. At this time, I say that my client's right to remain silent is predicated upon the 14th amendment at this instance, and the 5th amendment, and the 6th amendment.

Mr. Stocks. Mr. Johnson, are you aware of any plans in your community to develop private alternative schools to the public schools?

Mr. Johnson. Same as before.

[Simultaneous discussion.]

Mr. Stocks. Would counsel specify the basis for the objection?

Mr. Johnson. No.

Mr. Stocks. Is that no to my question—first question, or to the basis for the objection?

Mr. Johnson. No to your first question.

Mr. Stocks. Thank you. Have you ever participated in a demonstration against school desegregation in your community?

Mr. Johnson. I respectfully decline to answer on the 1st, 4th, 5th, and 6th amendments of the Constitution of the United States.

Mr. Stocks. Mr. Chairman, I have no further questions.

Chairman Flemming. All right. Commissioner Horn, do you have questions of any members of the panel?

Commissioner Horn. I would like to ask Mrs. Winters to what degree has the Home and School Association taken any interest in assuring attendance at the Charlestown High School? Has this been of concern any time during your tenure?

Ms. Winters. I really can't say what the association's position on it was. I feel that the citywide association has tried very hard to stay in the middle of the road and has tried to keep children in school.

Commissioner Horn. Mr. Johnson, you're the incoming president of the association. Do you believe that the laws of Massachusetts compelling school attendance should be enforced?

Mr. Johnson. Not if it means bodily harm to my children, I don't.

Commissioner Horn. Do you feel that the police of the area are sufficient to prevent that from happening?

Mr. Johnson. You can't have a cop for every kid that goes to school.

Commissioner Horn. Do you base that on the experience of the past year?

Mr. Johnson. I've had no experience of the past year personally.

Commissioner Horn. What is the basis for the judgment?

Mr. Johnson. Everything I read in the paper and watch on television.

Commissioner Horn. Your impression of what you read in the paper and watch on television is that school desegregation is not working?

Mr. Johnson. That's correct.

Commissioner Horn. Do you feel other laws of the State ought to be violated if it affects individual safety?

Mr. Johnson. I don't feel competent to answer that question.

Commissioner Horn. Do you generally feel that the laws of the State ought to be complied with by the citizens?

Mr. Johnson. Of course.

Commissioner Horn. Thank you, counsel.

Chairman Flemming. Commissioner Freeman?

Commissioner Freeman. I have no questions.

Chairman Flemming. Commissioner Rankin?

Commissioner Rankin. I have no questions.

Chairman Flemming. Mr. Saltzman?

Commissioner Saltzman. Ms. Brigandi, do you have any cause to have any fear about the safety of yourself or your family in Charlestown by reason of your support for integrated education?

Ms. Brigandi. At this time I'm really not sure what other people—how strongly they feel, and what they feel they need to do. I feel in the most part people in the community should respect my judgment. I have not heard to the contrary.

Commissioner Saltzman. But you have no cause to have any fear.

Ms. Brigandi. Well, I didn't say that either. It's an unknown to me, okay? I can just see things might become volatile, and I'm not sure what group actions are taken, if any. On a one-to-one basis I don't have fears.

Commissioner Saltzman. Do you feel that your attitude about integrated education having beneficial impact on your children is shared to any extent by your neighbors? Can you evaluate to what extent?

Ms. Brigandi. Some people that I know, that I have conversations with, have signed their children up for magnet schools, and others that haven't. Some people that I know also that have signed their children up for parochial school outside of Boston, and have done so mainly because they fear for the safety of their children. But I think people do believe on some levels that an integrated education is preferable.

Commissioner Saltzman. Mrs. Winters, do you know of any parents in Charlestown who are prepared to undertake organized efforts for communication and common labor for meeting the problems during Phase II with black parents, as happened in other communities in Boston?

Ms. Winters. There are some.

Commissioner Saltzman. Can you give us a guesstimate of what proportion in the community of Charlestown might be willing to undertake in the coming months such an undertaking?

Ms. Winters. I think that right now they're a minority. I think there are a lot more people who are waiting to see what the school assignments will be, and I think that the main thrust of any parent, and this is citywide, is the concern for their child's safety.

Commissioner Saltzman. I understand that. Do you think the Home and School committee would be a possible instrument for working in that direction together with segments of other communities whose children are perhaps being—going to be bused in?

Ms. Winters. It could be.

Commissioner Saltzman. Thank you.

Chairman Flemming. Commissioner Ruiz?

Commissioner Ruiz. Mr. Johnson, do you believe that the Constitution of the United States is the supreme law of the land?

Mr. Johnson. As far as I know it is.

Commissioner Ruiz. It's the supreme law of the land?

Mr. Johnson. As far as I know.

Commissioner Ruiz. As far as you know, do you believe that this is so until the Constitution is changed?

Mr. Johnson. I'm not a lawyer, and the Constitution is interpreted different ways.

Commissioner Ruiz. You just conferred with your lawyer on this answer, prior to giving your answer, did you not?

Mr. Johnson. I did.

Commissioner Ruiz. Are you in disagreement, without knowing the law, with the thesis that the Constitution is the supreme law of the land?

Mr. Johnson. I remember Martin Luther King saying any bad law is the same as no law at all, and that's how I feel.

Commissioner Ruiz. Do you believe that the interpretation by the United States district court that the supreme law of the land is bad?

Mr. Johnson. I don't understand, sir.

Commissioner Ruiz. Did I hear you to say that if a law was bad, that you would not abide by it?

Mr. Johnson. I said I heard Martin Luther King say as much.

Commissioner Ruiz. I'm sorry, I didn't understand you. Will the reporter read that—will you repeat your answer a little more slowly, sir.

Mr. Johnson. What do you want me to say?

Commissioner Ruiz. I wanted you to repeat the last answer in order to save time here. Otherwise I'll have it read back to me.

Mr. Johnson. I said I heard Martin Luther King say that any bad law is the same as no law at all.

Commissioner Ruiz. What have you done by act or conduct to express your disagreement with the law?

Mr. Johnson. I refuse to answer that on the grounds of the first, fourth, fifth, and sixth.

Chairman Flemming. Okay. We appreciate the members of the panel being here with us. We appreciate the testimony that has been offered. Sorry that some issues have been raised relative to some of the questions, and that, of course, is the right of any citizen. This Commission will take under careful advisement the memorandum which the attorney will provide us by 5 o'clock tomorrow afternoon. Thank you all very much. Counsel will call the next witnesses.

Mr. Stocks. Maurice Gillen, Gloria Conway, Edward Callahan, and John Whalen.

[Whereupon, Maurice Gillen, Gloria Conway, Edward Callahan, and John Whalen were sworn by Chairman Flemming.]

TESTIMONY OF MAURICE GILLEN, VICE CHAIRPERSON, COMMUNITY BOARD, JFK FAMILY SERVICE CENTER OF CHARLESTOWN; GLORIA CONWAY, PUBLISHER OF CHARLESTOWN PATRIOT; EDWARD P. CALLAHAN, BUSINESS REPRESENTATIVE, LONGSHOREMEN'S LOCAL NO. 799, CHARLESTOWN; AND JOHN WHALEN, CHARLESTOWN CIVIC LEADER

Chairman Flemming. Thank you very much.

Mr. Alexander. Starting with Mrs. Conway, could you each identify yourself, name and address and any position you may hold in a community organization or occupation?

Mrs. Conway?

Ms. Conway. My name is Gloria Jean Conway. I live at 7 Belmont Street, Charlestown. I'm publisher of the *Charlestown Patriot*. Do you want community organizations?

Mr. Alexander. That's right.

Mr. Gillen?

Mr. Gillen. My name is Maurice J. Gillen. I live at 8 St. Martin Street, Charlestown. I am a vice president of the board of directors of the Kennedy Center, chairman of the Charlestown Committee on Education.

Mr. Alexander. You are also a member of the CCC, is that correct?

Mr. Gillen. I have also been assigned by Judge Garrity, and I am also a vice chairman of the Council for Children in the Capitol Area.

Mr. Alexander. Mr. Whalen?

Mr. Whalen. My name is John Whalen. I live at 50 Monument Avenue in Charlestown. I'm on the executive board of the Charlestown Boys' Club, and I'm also president of the Charlestown Youth Hockey Program.

Mr. Alexander. Mr. Callahan.

Mr. Callahan. My name is Edward P. Callahan. I live at 17 Trenton Street in Charlestown. I'm the business agent of the International Longshoremen's Association in that district, and I belong to various other organizations within the community.

Mr. Alexander. Mr. Gillen, we'll start with you. I understand that you have a very brief statement you wish to read.

Mr. Gillen. Yes, I do, sir. In keeping with the practice of the Charlestown Committee on Education, we would like to make a general statement that is a consensus, and not necessarily reflecting each view of the membership of the committee.

> We, the Charlestown Committee on Education do hereby proclaim our commitment to the protection of the civil rights of all persons affected by the process of school desegregation in Boston. We reiterate our concern for the rights of all children to a quality education in an atmosphere of safety and security. We support the rights of parents to determine whether or not to send their children to public schools, and we recognize the need to maintain an atmosphere of mutual respect and what such freedom of choice can be exercised responsibly and without intimidation. Towards these ends we have communicated and cooperated with the city of Boston and the school department, with the Federal district court and its representatives, with the Justice Department, with the Civil Rights Commission.
>
> Towards these ends we intend to work with the community agencies and residents throughout Charlestown, to develop the constructive program necessary to guarantee the civil rights of all persons in the current issue.

Mr. Alexander. Could you tell us how this committee came about, Mr. Gillen?

Mr. Gillen. Well, it came about out of the parent body, the board of directors of the Kennedy Center, in that it was discussed that some action by a responsible element in the community should be taken so that we would not go through in the school desegregation the same decisive—the friction and problems that we went through on the—

Mr. Alexander. When you mentioned the Justice Department, did members of the Community Relations Service from the Justice Department meet with this committee periodically?

Mr. Gillen. Yes. Monty Walsh has attended most of our meetings.

Mr. Alexander. What has the role of the Community Relations Service been with your organization?

Mr. Gillen. It has been an encouraging one, to encourage that we continue to meet and encourage us that if we could come to a conclusion that represented the view of the community to do this and submit statements to the court, we in Charlestown feeling that we were not adequately being represented in the case.

Mr. Alexander. Did you in fact submit such statement to the court?

Mr. Gillen. Yes, we submitted two statements.

Mr. Alexander. What were they called?

Mr. Gillen. One was "A Plea for Mercy," and "A Cry of Hope," I believe.

Mr. Alexander. The name—do we have—can we have those for the record, Mr. Gillen?

Mr. Gillen. I'll get you them. I thought others brought them here.

Mr. Alexander. Okay. I'd like to have them inserted in the record at this point, Mr. Chairman.

Chairman Flemming. Without objection, it will be done.

Mr. Alexander. How many points did you make in these statements? What specific things did you request?

Mr. Gillen. Well, the two major things that we asked for was that there be no forced busing, and that there be a moratorium. Those are two that were general statements that affected the whole city, and we made approximately four specific points for Charlestown.

Mr. Alexander. Were any of these points in fact incorporated into the Phase II plan?

Mr. Gillen. Yes, they were. We asked for the retention and—of the Bunker Hill School as an elementary school—

Mr. Alexander. And it has been retained.

Mr. Gillen. That was changed. Yes, sir. We asked for a definite commitment for a construction of Charlestown High School, and that was ordered in the—by the court. And we also asked for a change in the district and a change in the district did take place. Not exactly what we wanted, but it was, we felt, a positive step.

Mr. Alexander. Was there some issue in relation to the name of the high school that you wished to have retained?

Mr. Gillen. Well, there are many people that feel that Charlestown was losing its identity by being called any school district other than Charlestown, because we are fiercely loyal to our community.

Mr. Alexander. How long have you been—are you a native of Charlestown?

Mr. Gillen. Yes, I am.

Mr. Alexander. Did you go to school in Charlestown?

Mr. Gillen. Yes, I did.

Mr. Alexander. Where did you go to school?

Mr. Gillen. I went to St. Mary's Parochial School and Charlestown High School.

Mr. Alexander. And Charlestown High School. What types of things do you see your committee working towards this fall, now?

Mr. Gillen. Our committee is made up of the major agencies in the comunity, the school personnel in the community, leaders in the community, and private citizens in the community. Our main concern is that there's coordination between the agencies and the people so that we can live through this crisis as we've lived through other crises and survive as a livable community.

Mr. Alexander. Would it be fair to paraphrase your opening statement to say that it's a strong request for nonviolence in the community this coming September?

Mr. Gillen. We would like to have no violence, yes, that's true.

Mr. Alexander. We'll come back to you in a moment.

Mrs. Conway, could you—I understand you have a very brief statement you wish to read. Would you proceed?

MS. CONWAY. Thank you.

STATEMENT OF GLORIA JEAN CONWAY, PUBLISHER, *CHARLESTOWN PATRIOT*, JUNE 18, 1975

My name is Gloria Jean Conway. I reside at 7 Belmont Street in Charlestown. I'm a graduate of Westerly, Rhode Island, High School, and of Simmons College, holding a B.S. degree in nursing.

I am pleased to appear before this Commission pursuant to a subpena of May 28, 1975, to express my views as a resident of Charlestown in the city of Boston, and as a parent of two children, one of whom is completing the third grade. I am also a member of the executive board of the Massachusetts Citizens Against Forced Busing. I have also been active in a variety of civic and alumni organizations.

Since 1964 I have been publisher of the weekly newspaper, the *Charlestown Patroit*. During that period my paper has from time to time both covered the operation of the Boston public school system and legislation and litigation affecting my city schools. We have continued to this day and shall continue to provide our community with news and with our editorial views concerning the subject matter of this hearing, and court orders and administrative actions relative thereto.

I know that this Commission is well aware of and supports my rights as an individual, and our newspaper's rights under the first amendment of the United States Constitution. I am therefore happy to appear today and to cooperate with this Commission in its important inquiry, and shall respond fully and completely to questions asked of me as a parent and citizen.

I shall, as you know, you will understand, decline to answer any questions which would tend to subvert the first amendment liberties, which our ancestors intended to endure throughout the existence of our country.

MR. ALEXANDER. Thank you. You mentioned some of the organizations that you belong to, and you mentioned Massachusetts Citizens Against Forced Busing. Could you tell me something about that organization and your role in that organization?

MS. CONWAY. The organization was founded in November, initially in November of 1973, in order to pursue a legal solution to the forcible busing of school children. The only thing requested of the organization, it is against forced busing. That's in its intent and purpose.

MR. ALEXANDER. To your—in your understanding, what are the legal means available to a person who is against forced busing today?

MS. CONWAY. At this time we are pursuing the matter of an amendment to the United States Constitution.

MR. ALEXANDER. Is it your understanding that that is the only legal means that is today available in relation to the Boston school desegregation situation?

MS. CONWAY. I am not an attorney.

MR. ALEXANDER. I know. I asked you for your understanding as it's been related to you.

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Ms. Conway. This is our ultimate goal.

Mr. Alexander. In your opinion, do you believe that this organization is a responsible antibusing organization?

Ms. Conway. I do.

Mr. Alexander. Do you think that's true of other organizations in the city?

Ms. Conway. It's not fair for me to make such a judgment.

Mr. Alexander. Okay. As an individual or as an editor, are you strongly opposed to any violence in this—in Charlestown community this coming September?

Ms. Conway. As I said, you know, speaking for myself, I am definitely opposed to any violence in the community. It is our community; we live there.

Mr. Alexander. I understand as a matter of public record there are such published editorials that you have in fact printed in your paper. I'm not asking you about the policy. I'm asking you as a matter of public printed record are there such statement by you already in existence in your newspaper, September 1974?

Ms. Conway. Right.

Mr. Alexander. So you are on the public record.

Ms. Conway. As against violence? Definitely.

Mr. Alexander. Can we have your—the issue of that paper for the record, and have it inserted as an exhibit at this time, Mrs. Conway?

Ms. Conway. Surely.

Mr. Alexander. Thank you. Mr. Chairman, I'd like that entered into the record at this point.

Ms. Conway. We will obtain it from you.

Chairman Flemming. Without objection that will be done.

Mr. Alexander. In your opinion, as someone who has been in the community and been in the information business, what kinds of information do you believe parents need to be able to make intelligent, nonemotional decisions this September as to what they are going to do with their children day in and day out in relation to school desegregation? What kinds of information need to be produced for parents in the community?

Ms. Conway. In any form, any parent, and as a parent, I would have to say it would be a complete discussion of every item as it is forthcoming in the process.

Mr. Alexander. In your opinion, is that matter currently available to the parents of Charlestown?

Ms. Conway. I really would not know.

Mr. Alexander. Do you in your capacity as editor of the paper intend to make such information available?

Ms. Conway. I'm sorry. I'm not editor of the paper. I'm publisher.

Mr. Alexander. Publisher.

Ms. Conway. Right.

Mr. Alexander. Sorry. As publisher, do you intend to make such information available to the extent that you can?

Ms. Conway. I would rather not comment on the paper under my initial statement.

Mr. Alexander. On the basis of impinging on first amendment rights?

Ms. Conway. Exactly.

Mr. Alexander. You set that as an assertion of privilege under the first amendment right. Fine.

Mr. Callahan, could you tell us something about the capacity as a union representative?

Mr. Callahan. The employment, particularly on the Boston waterfront, is really disastrous. In fact, at this time, I am currently on strike against the Boston Shipping Association and the Port of Boston is shutdown. We have at the present time, leading up to the strike, which was June 1, 80 percent of our people are unemployed.

Mr. Alexander. Do you think that this will have a significant impact on the situation this coming September?

Mr. Callahan. I think in regards to any person that is on strike or is leaving because there is no work available, that person, because he is not active, tends to get moody, sick, or otherwise, and they do a lot of thinking that they wouldn't do if they were working.

Mr. Alexander. What is your personal conviction regarding the community responsibilities in regard to assuring peaceful and orderly implementation of Phase II?

Mr. Callahan. I'm sure that Charlestown will respond to the laws of the land. Our concerns are the concerns of others. The concern of the safety of the children is our primary concern, and I'm sure that when September comes that we that have children going to public schools will make themselves available to be there.

Mr. Alexander. Will you personally be at the schools?

Mr. Callahan. Last year when the kids went to school I went to three schools then.

Mr. Alexander. What role do you think that your presence can serve?

Mr. Callahan. Actually, none, other than the fact that I would like to see my own children feel that if they are going to Charlestown, hopefully, that my presence there will support their feeling that "at least my father cares and is making himself available."

Mr. Alexander. Has you—have you in your union capacity taken any position on the peaceful implementation this fall in Charlestown?

Mr. Callahan. No, sir. We're too busy negotiating a contract.

Mr. Alexander. Are you involved in any organizations specifically relating to school desegregation, part of the committee chaired by Mr. Gillen, or do you attend such meetings?

Mr. Callahan. No, sir, I don't. Maurice is a very capable chairman, and when he's in charge I don't have to worry about being there. That's the truth, too.

Mr. Alexander. Mr. Whalen, could you tell us something about your involvement with youth activities in the community?

Mr. Whalen. Well, at the Charlestown Boys' Club I'm a member of the executive board, which meets only once a month. And basically our authorities are those in an advisory capacity. We do plan programs with the professional employees of the Boys' Clubs in Boston, but our role is mainly advisory for the best interests of the Charlestown community.

In the youth hockey program in Charlestown, we have approximately 400 boys ages 7 to 15 in our program from November through April. I'm president of that particular program.

Mr. Alexander. Do you see your organization playing and specific role relating to the children in Charlestown or the children coming into Charlestown in relation to school desegregation?

Mr. Whalen. I would say the Boys' Club will most likely play a role to do whatever they can to keep down the violence. The Boys' Club, as you have already heard, has held meetings with our little city hall people and Mr. Power, the headmaster of the school, and I'm sure that those meetings will continue.

Mr. Alexander. Would you, for example, be willing to sponsor, through the Boys' Club, joint meetings or joint sports activities with Boys' Club in other parts of the Madison Park district?

Mr. Whalen. Well, actually, that has gone on for the past few years, and just recently we had a sizable basketball tournament at the Charlestown clubhouse, and we did have teams from Roxbury and their were no problems.

Mr. Alexander. Would you be willing to sponsor specific activities as soon as the children are identified who will be assigned to the Charlestown schools, for those children to get to know one another.

Mr. Whalen. I imagine the Boys' Club might, but I'm not speaking on behalf of the Boys' Club, so I don't think it's fair that I say that we can. If we keep in mind that the Boys' Club of Boston is serving Roxbury, Charlestown, and South Boston, and we have had interneighborhood programs in the past. I don't see where there would be any problems in continuing those in the future.

Mr. Alexander. Did you attend a meeting of the Charlestown Kiwanis Club several months ago which was addressed by a representative from the Community Relations Service?

Mr. Whalen. No, I did not.

Mr. Alexander. Are you familiar with that meeting, however?

Mr. Whalen. No, I'm not.

Mr. Alexander. Is it your view that the business community in Charlestown and persons such as yourself who have been in the community for a long period of time are fully and adequately informed about Phase II, or are they not so informed?

Mr. Whalen. I would say that we are beginning to get information about Phase II. It's all new to us, so, no, we have not really been informed to date.

Mr. Alexander. As a parent, where do your children go to school?

Mr. Whalen. My son is in the ninth grade at Boys' Latin School, and my daughter is in the third year of high school at Girls' Latin School.

Mr. Alexander. And these are exam schools, are they not?

Mr. Whalen. Yes, sir.

Mr. Alexander. And they are located in which part of the city?

Mr. Whalen. Boys' Latin School is located on Avenue Louis Pasteur, and Girls' Latin School is located in Codman Square in the Dorchester section.

Mr. Alexander. How do they get to school?

Mr. Whalen. They take a bus every day.

Mr. Alexander. Your wife is a teacher in the school system in Charlestown?

Mr. Whalen. Yes, she is.

Mr. Alexander. Will she be teaching this fall?

Mr. Whalen. Yes, she will.

Mr. Alexander. Mr. Gillen, could you tell us from your point of view what specific types of things you see that the community could plan over the next few months for Phase II?

Mr. Whalen. Well, one of the things that was submitted and that we're having difficulty with, and it's unfortunate, that John Gardner, as an agency person, has been extended as hard as he has been, our proposal that was fostered at the Capital Area Council for Children, to provide the programs to maintain safety in the streets. And this is one of the things that I feel is vital, that we give relief to the people that will exercise their right to withhold their children from school as a form of protest or whatever, and to keep these children from molesting in any way our elderly, our merchants, other visitors to the historic sites, and to keep these people occupied is one role.

The second role is by doing that, and having the community fully informed and fully involved, people will be able to freely make their choice and do so without any feeling that they will be intimidated, no matter their choices.

Mr. Alexander. Were there—other than that proposal, which, as you know, we discussed with Mr. Gardner, are there other things? Are there any plans to create a citizens' task force, perhaps, to protect the school bus routes, or to greet students coming into the community to show a strong community presence against any intimidation?

Mr. Gillen. Well, the committee, as such, was strictly voluntary. People come or not come and participate as they will. One of the byproducts of my being appointed to the—Judge Garrity's council—is that I was placed in contact with Winnie Lee from the Chinese community, and we have recently had an unfortunate incident in Charlestown, and Winnie Lee asked if a meeting could be set up with the Chinese community and leaders, and we did get volunteers to sit down that are willing to sit down and discuss the problem.

So in those sort of things, and trying to, to the best of my ability, report back to the community the—all the information that I can obtain, and hopefully I will be able to cite the—and address myself to the educational issues on the council as opposed to the desegregation issues on the council.

Mr. Alexander. Have any such meetings been scheduled or contemplated with members of the black community?

Mr. Gillen. Not as yet, no, sir.

Mr. Alexander. Do you think that would be an appropriate role for your group?

Mr. Gillen. It would be if the people were willing to volunteer, and that would be an individual choice.

Mr. Alexander. Mr. Whalen, did the Boys' Club support the proposal that Mr. Gillen is referring to?

Mr. Whalen. I don't know if Mr. Gillen has been in touch with the Boys' Club.

Mr. Alexander. Yes, he has.

Mr. Whalen. Keep in mind, as I say, I'm only on an advisory board as such—

Mr. Alexander. We understand that.

Mr. Whalen. —and not at the club every day. So I'm not there in their everyday business.

Mr. Alexander. Mr. Gillen, do you know whether the Boys' Club supported your proposal or not?

Mr. Gillen. I know that many of the agencies have had difficulty with the language of it, and that up to and including the Justice Department, support the theory, but we are having great difficulty in defining the language so that it would be acceptable legally.

For myself, I would prefer to have the proposal and its intent put before Judge Garrity and have a ruling put on it, because it's not our intent in any way to do anything illegal.

Mr. Alexander. Mrs. Conway, back to the Massachusetts Citizens Against Forced Busing. In your opinion, what are the major differences between that group and, let's say, the Powder Keg organization which exists in Charlestown?

Ms. Conway. I am only a member of Mass. Citizens, and I'm—

Mr. Alexander. Yes, I understand that, but you could have joined either organization, I assume.

Ms. Conway. Well, this was an organization I did join, and I think that I will not comment on any other organization. There have been representatives here from those groups.

Mr. Alexander. I have no further questions at this point.

Chairman Flemming. Commissioner Ruiz?

Commissioner Ruiz. Without commenting on the other organizations, were you formally associated with ROAR or Powder Keg?

Ms. Conway. Are you addressing me?

Commissioner Ruiz. Yes, Mrs. Conway.

Ms. CONWAY. Okay. Sorry. I was—I did attend meetings before ROAR was called "ROAR." It was called "Save Boston and Save our City." I attended them as—at—this would have been at—my time frame of reference is elapsing. We're talking about way before last spring, or the spring of '74.

COMMISSIONER RUIZ. Yes. Formally, we'll say, because as I understand, you are no longer associated with ROAR or—

Ms. CONWAY. I have never attended ROAR.

COMMISSIONER RUIZ. Or Powder Keg.

Ms. CONWAY. I have never attended a Powder Keg.

COMMISSIONER RUIZ. Thank you.

CHAIRMAN FLEMMING. Mr. Saltzman?

COMMISSIONER SALTZMAN. Mr. Gillen, I applaud your emphasis on loyalty to community. The breakdown of local community cohesion, it seems to me, produces many of the contemporary problems we face, and if Charlestown is able to develop that kind of cohesive spirit, I think it will add to many of the facets of community life in Charlestown. But can it be possible that you and those organizations with which you're associated can capitalize on that cohesive spirit which seems to be developing and cultivated in Charlestown to facilitate the implementation of the court order?

MR. GILLEN. Sir, if I might, to very briefly say that we had a very difficult time in the urban renewal. I happened to be a proponent of it and have a record of working long and hard, as many of my community people have, to get the new Kent School, to get a new Bunker Hill School, to get a community college, and to get our educational facilities upgraded to the point that we were and are on record as being for quality education, sir.

And when community people such as myself see the fruit of their labor built, and are then told that their child or children cannot go to those schools, we feel very, very badly. We would rather work with other communities to develop the expertise, to develop their facilities, and we'd be willing to do this, but we would like, and we would ask that our facilities be left to the people of Charlestown who have worked to get them.

COMMISSIONER SALTZMAN. If I may pursue this, and I really do appreciate what you've been saying, the fact is, there are other factors involved here. One of the important factors is that there is a court order, and I think as much as you're for community cohesion, I've heard you also say you're for the peace and well-being of the community.

Facing the reality that the court order is to be implemented this year, cannot some positive effort toward that implementation be undertaken?

MR. GILLEN. I think, sir, that we have demonstrated, and I might note that of all the communities of Boston, Charlestown is the smallest, and we have had 15 people from Charlestown appear here. So I think that we're putting it together as best we can. And I would say this: That tonight, as a member of the Judge Garrity Citywide Coordinating Council, I will appear before the CPAC committee and argue strongly that the elections that they want to go through on June 30 and July 1 not be placed—not go through and become permanent. The fact of it is, that they're giving the community people no time to prepare themselves or identify or find out where the schools are, what the makeup of the school is. If you haven't already notice, by our home and school membership and attendance, that it's very difficult to get people to go to meetings now. I don't see how we can in 2 or 3 days get people to go to join councils outside of the city of—the community of Charlestown, and I take this position not only for Charlestown, but for all the communities of Boston.

Commissioner Saltzman. Mr. Callahan, earlier witnesses have indicated that in different sections in Boston the Phase I was, one, beneficial. For example, in Burke School we heard from parents and students how a community spirit, how the sense of cooperation between people of racially different backgrounds was developed. The students themselves testified that they found a profound benefit from Phase I and in general the process was successfully completed.

And I think the implication also was drawn that this process was completed successfully because community leaders involved themselves in the process. Do you think a similar kind of effort and process is possible in Charlestown?

Mr. Callahan. I think at the present time we haven't got the complete feeling of what direction our children are going in. At least when you speak of Phase I, it seems to me that even though it was sort of fast and furious, what they did, those people did cooperate. But we don't know where—we don't know at the present time what direction our children are going in. I've had, as a parent, three choices or selections to send my kids to school. One was a magnet school, which is part of the district school, East Boston, and possible Charlestown. I've made my selection, but yet it hasn't been finalized. So I cannot answer that question because as far as Phase II goes, as far as where my children are going, or anyone else's children in Charlestown, we don't know. That has not been finalized. And the answer to that—I probably could answer better when the committee selects the children and then let's you know where the children are going. I can't answer that until I find out where the kids are going.

Commissioner Saltzman. I wasn't directing my question to where the children are going. I was comparing what happened, for example, in Burke School, where the process of the implementation of Phase I was most successful, and—

Mr. Callahan. When you say—all right, Commissioner, when you say it was most successful, are you saying that it was successssful because there was no violence? Is that what you're saying?

Commissioner Saltzman. No, I indicated that the quality of education, it was judged by students and parents, was increased as a result of Phase I, and the desegregation that took place.

Mr. Callahan. Well, I'm very happy that they were happy, but I won't be happy if my kids are taken out of Charlestown, put it that way.

Chairman Flemming. Commissioner Rankin?

Commissioner Rankin. Mr. Callahan, I have a question that bears only indirectly on the school problem. It's not very pleasant, is it, to see your local unit drop from 4,000 down to 600 in 7 years. You used to have 4,000 members?

Mr. Callahan. That's right.

Commissioner Rankin. And now 600?

Mr. Callahan. That's right.

Commissioner Rankin. And 80 percent of them are not working today?

Mr. Callahan. That's right, sir. Well, it's 100 percent today because they're on strike.

Commissioner Rankin. Because of the strike.

Mr. Callahan. Yes, sir.

Commissioner Rankin. How long has this strike been in effect?

Mr. Callahan. Since the first of June.

Commissioner Rankin. How many blacks were in the union when you had 4,000? Do you remember?

Mr. Callahan. You can't figure on how many blacks we had because we're international, but if you want the figures based on an international, the figures are 60 percent black and 40 percent white.

Commissioner Rankin. But that would not hold for the naval shipyard here in Boston, would it?

Mr. Callahan. No, sir, we have nothing to do with any naval or Federal installation. We work for private associations.

Commissioner Rankin. You work for what?

Mr. Callahan. We work for private shipping associations.

Commissioner Rankin. Yes, I understand that, but I thought that 7 years ago—well, anyway, I won't go into it. I was just reading the statement here. And so you don't know, in your local union today, how many blacks you have in your union?

Mr. Callahan. I have at the present time in my local one black.

Commissioner Rankin. You have one black.

Mr. Callahan. Yes, sir.

Commissioner Rankin. Yes, sir.

Chairman Flemming. Commissioner Horn?

Commissioner Horn. Mrs. Conway, I wonder, as a parent who also has some skills in observing the media, when you went home at night last year and looked at local and national television, what was your impression as to the balance of coverage given to desegregation during Phase I? Did you have any feelings on that?

Ms. Conway. As a parent, I felt it was not a fair coverage. I felt that here again, you're dealing with people, you're not dealing with figures. And although I don't—I didn't go to South Boston, I didn't go to Roxbury, so I didn't see it firsthand, but from hearing friends, I just felt from both sides, it was very—not a fair coverage.

Commissioner Horn. I wonder, could you elaborate a little bit on what you mean by "fair coverage?" What would fair coverage have been in your judgment?

Ms. Conway. I think I'm slowing down. My mind is not working too fast this afternoon.

Commissioner Horn. Take your time.

Ms. Conway. I think that media in general have an obligation to present both sides of an issue, and I think this is where much of the media failed to respond. I don't think that's very clear either, is it?

Commissioner Horn. What side, in your judgment, was presented, as you watched and listened and talked to people?

Ms. Conway. The bad side.

Commissioner Horn. Well, the bad side in what sense? Do you mean the violence that was occurring in the streets?

Ms. Conway. Right.

Commissioner Horn. Not the good that might have been occurring in the classrooms.

Ms. Conway. Right.

Commissioner Horn. Is that your main criticism?

Ms. Conway. Right.

Commissioner Horn. Would I be unfair in saying sensationalism?

Ms. Conway. Right.

Commissioner Horn. I'm not being unfair.

Ms. Conway. No, you're not.

Commissioner Horn. Was there a difference between the way the Boston local television covered it during parts of the beginning of Phase I until South Boston and its activities occupied the headlines, and the way the national television covered it? Did you see any differences there, just as apparent?

Ms. Conway. I have heard from people outside the Boston area that it was a terribly distorted picture. Now, this was from relatives and friends across the country—that it was not, you know, truly what has happened in Boston. But as far as seeing national coverage, I can't say. It was probably very limited because our main concern was local.

Commissioner Horn. What do you think the print media and the visual media can do in a situation like this to more adequately cover what is occurring in all its many ramifications? What do you suggest?

Ms. Conway. I think the point is seeing people as people and not labeling. I think the label is what has made the whole presentation so bad.

Commissioner Horn. Give me some of the labels. Are we talking about calling people racist—

Ms. **Conway**. We're talking about categorizing all of South Boston into one lump, categorizing Roxbury into one lump. They're people.

Commissioner Horn. So we're talking about oversimplification of various complex phenomena.

Ms. **Conway**. Right.

Commissioner Horn. When you look at the people, be they in South Boston or Charlestown, or the people in ROAR or other groups, is there any way that your trained eye would describe it? Are there some people that are more in one category than the other; anyway like by economic class or whatever?

Ms. **Conway**. I don't think I quite understand.

Commissioner Horn. Well, let me put it this way: Is there a feeling—we heard a lot about the uniqueness of Boston neighborhoods, and I think one of the things that the Commission is trying to understand, is this a long-standing feeling? We saw in some testimony earlier today that the so-called uniqueness of the neighborhood didn't seem to mean much in South Boston, since hardly anybody ever attended the Home and School Association in South Boston High School, the neighborhood through inaction let that degenerate—let that high school degenerate from a high school in 1940, that one graduate claimed was so clean you could eat off the floor, to his complete shock when he went back there a few years ago.

Now, you know, it's strange to me, if people really care about their community and their neighborhood, why they aren't involved in assuring that their community gets the resources that they have a legitimate right to through the political system, be it city hall, the school committee, whatever. So I'm trying to understand what are the forces at work in these neighborhoods. Who listens to whom?

Ms. **Conway**. Well, I think that in this respect Boston is unique, because it is a series of neighborhoods that were set up as individual towns—like Charlestown is a year older than Boston. And in all respects we have been considered a community. We have our little city hall. Charlestown, North End, and East Boston have equal representation in the mental health board with Chelsea, Revere, and Winthrop. Here, again, we're considered a community.

And we look upon—you know, within this particular community, Charlestown has a tradition of families staying within the community for many generations. It's not a transient community. I know there has been a great population loss from World War II of 40,000 to a low in the '60s of under—these are rough figures—of approximately 14,000, and it's rebuilding. There has been—with new housing construction, there's a new population, so we're probably into 18,000. But still, we have been considered Charlestown. And people ask where you come from—you don't say Boston. You say Charlestown.

And it's the uniqueness of each individual and the identity of each, and these are made up, these areas—of course, Charlestown is isolated by its geography. We're surrounded on all sides by water with a neck into Somerville. That's our only land connection into Somerville, and we are isolated in our physical respects in that area. In fact, in talking one time with city hall—it was a program that was coming in. They were asking for a subscription at this point. And he said, "As far as I know, you don't have anything coming into Charlestown." So we haven't gone to the suburbs yet. And this is from someone in city hall.

COMMISSIONER HORN. Does the business community have much influence in Charlestown?

MS. CONWAY. Charlestown here again was—we have no major shopping area. We are corner merchant type of store. There is a shopping center on the drawing board. We have businesses surrounding the town with a core residential area. So our businessmen are local corner store, nickel and dime business.

COMMISSIONER HORN. Do they get together in a local chamber of commerce?

MS. CONWAY. There's the Kiwanis.

COMMISSIONER HORN. I see. I'm trying to find out—you know—whether it's the business community or the Home and School Association or whatever, just where do people go to get their views expressed and have they been active prior to desegregation? Like have you ever—I know you don't have a child in high school yet, but in your other role, have you ever gone to a Charlestown High School Home and School Association meeting?

MS. CONWAY. Yes, I have.

COMMISSIONER HORN. Before desegregation?

MS. CONWAY. No, I have not.

COMMISSIONER HORN. I just wonder if you—

MS. CONWAY. I've only had—my daughter's only in the third grade, so as far as school involvement, the normal process is when they enter first grade you become active in Home and School, if you're—you know, if—

COMMISSIONER HORN. This Commission heard in the case of South Boston that very few people showed up at the Home and School meetings prior to desegregation. Now people are showing up, obviously, on both sides.

MS. CONWAY. I think this is true with any organization of any people in the community. You have the workers and you have the followers, and it's not just one issue, whether it be historical—we just got through a bicentennial celebration with one handful of people that carried on the celebration for the 200th anniversary. And you know, this is not unusual.

COMMISSIONER HORN. Well, let me see. My last question would be, 3 years ago—let's say prior to most of the emphasis on desegregation, would you characterize the people in Charlestown in terms of local affairs as being apathetic or active generally?

MS. CONWAY. Charlestown has always been an active community. It's a very caring community, and it has always been active.

COMMISSIONER HORN. Thank you.

Chairman Flemming. Commissioner Freeman?

Commissioner Freeman. Mrs. Conway, perhaps this question could be answered by each of you. I am concerned as to whether Charlestown is a closed community. The racial population has already been described and the feeling has—of it that it is a community that sort of is into itself has also been described. Would you react to—as to how this community would feel if you were called upon to accept some of the Vietnamese refugees?

Ms. Conway. I think Charlestown is a closed community, and as I expressed, is not a transient population. Houses pass within the family. Many of them pass from—you know, from grandmother to father and down. There's not a great turnover, as there are in other areas of the city. This leads to a base population that for years that family has lived within the community. And this is the—this makes Charlestown unique.

There are families of Chinese ancestry, there are black families—very few I will say—that have lived there for many generations and are part of the community. It's just [that] there is limited housing, the people stay until they are—thus it's a fairly stable population.

Commissioner Freeman. Is it not correct that—I got the impression that there had been some urban renewal or some new construction going on there.

Ms. Conway. Charlestown is still under Federal urban renewal and it will be for another 30 years. There has—Charlestown at one point had been an area of absentee landlords, where properties had been left to deteriorate into—they were getting $40 a month cold water flats. With 3 percent rehabilitation money that came in the '60s, it made it so many people of moderate means, and even of low income, had a chance to purchase property or rehabilitate their present property at a very low interest rate. Thus the town has physically been rejuvenated in the past—since 1967, '68.

Commissioner Freeman. Has there been any demolition of the existing—of any of the existing housing?

Ms. Conway. I believe there was a 10 percent demolition.

Commissioner Freeman. And what was the new construction?

Ms. Conway. There were—for the first time in 50 years there were some individual houses built. There also were two housing developments, one Charles New Town, which was built first. The second is Mishuwam [phonetic] Park which is—

Commissioner Freeman. What is Charles New Town? Is that a housing development?

Ms. Conway. It's a cooperative, I believe. And Mishuwam Park is a moderate-income development.

Commissioner Freeman. That is rental housing.

Ms. Conway. Rental housing. Right.

Commissioner Freeman. And this was built under the urban renewal program?

Ms. Conway. Yes.

Commissioner Freeman. Under a program—is it a federally-assisted program?

Ms. Conway. I believe it is. I would say yes.

Commissioner Freeman. Are any of those houses still under construction?

Ms. Conway. No, the major housing has been completed. There are a few vacant lots, very few. It's only 1 mile square. We're talking only 1 square mile. So we're talking about concentrated housing. There—the only thing left to be built of major proportions is a shopping center. As I say, we have no market—no major markets.

Commissioner Freeman. But the urban renewal project is still in what is called the execution stage?

Ms. Conway. Yes, it is.

Commissioner Freeman. So it's still subject to Federal supervision?

Ms. Conway. Right.

Commissioner Freeman. Thank you.

Chairman Flemming. Thank you for coming here and for responding to the questions in the way you have. It's really been helpful to me as I have listened to your various answers, and I think I have a better picture of the community that you represent. Do you have something you'd like to add?

Mr. Gillen. Yes, Mr. Chairman. I'd like to remind the committee and the officials in Boston that the people that do not particularly choose to come under Phase II also have rights, and they—if they are addressed and their needs and concerns and apprehensions are addressed in a proper way, it would go a long way towards preventing any problems in September.

Chairman Flemming. Thank you very much. Before the hearing recesses, there's one item that I want to take up. It's perfectly okay for you to leave, because it's not related to this testimony. Commissioner Ruiz has a letter that he would like to read into the record at this time.

Commissioner Ruiz. This is on the stationery of the Commonwealth of Massachusetts Executive Office of Educational Affairs, 18 Tremont Street, Boston, Massachusetts, date June 18, 1975, addressed to Manuel Ruiz, Jr., Commissioner, U.S. Commission on Civil Rights, Washington, D.C. 20425.

> Dear Commissioner Ruiz: I would appreciate it very much if you would read this letter into the official record of the public hearings on school desegregation in Boston.
>
> So there will be no mistake, I wish to make very clear my position on bilingual education in the Boston school system and throughout the Commonwealth of Massachusetts. Since its passage in 1972, I have wholeheartedly supported chapter 71A, the Transitional Bilingual Education Law, for the Commonwealth of Massachusetts. I believe strongly that a successful bilingual-bicultural program is vital to the desegregation of Boston public schools.

> Further, I strongly endorse the parental and community involvement in the educational process mandated by our State statutes concerning bilingual education.
>
> Finally, as secretary of educational affairs for the Commonwealth of Massachusetts, my goal is that every child in this State receive a quality education. A good bilingual program is an important component, and without it, that goal cannot be reached for children of limited English-speaking ability.

Signed "Sincerely" with the signature of Paul Parks, secretary of educational affairs, with copies to all Commissioners.

CHAIRMAN FLEMMING. Thank you, Commissioner Ruiz. At this point the hearing is recessed to resume at 9 o'clock tomorrow morning.

[The hearing recessed, to reconvene at 9 a.m., June 19, 1975.]

UNITED STATES COMMISSION ON CIVIL RIGHTS

Thursday, June 19, 1975

The U.S. Commission on Civil Rights reconvened, pursuant to recess, at 8:55 a.m., Arthur S. Flemming, Chairman, presiding.

PRESENT: Arthur S. Flemming, Chairman; Stephen Horn, Vice Chairman; Frankie M. Freeman, Commissioner; Robert S. Rankin, Commissioner; Manuel Ruiz, Jr., Commissioner; Murray Saltzman, Commissioner; John A. Buggs, Staff Director; Jacques E. Wilmore, Regional Director; Lawrence Glick, Acting General Counsel; William T. White, Jr., Director, National Issues; Paul Alexander, Assistant General Counsel; Donald M. Stocks, Counsel.

PROCEEDINGS

CHAIRMAN FLEMMING. In the interest of conservation of time, by reason of the fact that we have a schedule that carries us through to 7:15 today, I am going to start just a few minutes early in order to recognize Mr. David White—William White, who is our Assistant Staff Director for National Civil Rights issues who will summarize the staff report that constitutes the foundation for a good deal of the material that will be presented today.

MR. WHITE. Thank you, Mr. Chairman.

Desegregation of Boston's public schools began with implementation of the State board's short term plan in September 1974. That plan, designed to meet the limited requirements of the Massachusetts Racial Imbalance Act of 1965, was the basis of Phase I of a total desegregation effort. It did not provide for faculty desegregation or new educational programs.

Redistricting and pupil transportation were the principal desegregation techniques involved in the Phase I plan, which was built upon the kindergarten through 5, 6 through 8, and 9 through 12 grade structure. High school districts were created for the first time for 10 of the city's 17 high schools. The other seven were to become citywide high schools.

As the Racial Imbalance Act prevented busing of students out of their own districts, and included restrictions on busing on safety grounds, only 80 of the city's approximately 200 schools were affected. Some areas, such as Charlestown, East Boston, and North End, were excluded altogether.

Phase I included only those areas of Boston where black and white students live in close proximity.

On October 1, 1974, the court ordered the school committee to prepare a Phase II plan for the total desegregation of Boston schools in September 1975. In light of the subsequent failure of the committee to submit an acceptable plan, the court appointed four masters to propose one. The plans which resulted from their deliberations were issued on April 17, 1975.

The masters' Phase II plan, altered in some respects by the Federal court, affected schools in all areas of the city except East Boston. Revision of attendance zones and grade structures, construction of new schools and the closing of old schools, and the controlled transfer policy, with limited exceptions, were used in order to minimize mandatory transportation.

The plan created eight community school districts and one citywide district. The community school districts each had at least one high school, generally more than one intermediate school, and several elementary schools. The citywide district has 22 magnet schools designed to draw pupils from throughout the city.

A formula was provided by which students could apply to attend the school within their community district, but no specific school could be selected. Assignment at a community district school would be guaranteed elementary and intermediate school students. High School students could choose among three citywide high schools and a community district high school. High school students could be required to attend citywide high schools if too many pupils applied to community district high schools. Additional students would be transported under Phase II. Bus travel times would average between 10 and 15 minutes each way, and the longest trip would be less than 25 minutes.

The school committee is to submit a final transportation plan to the court by July 7, 1975.

An important feature of the Phase II plan is the pairing of local colleges and universities and community institutions and organizations with specific schools in an effort to build attractive and innovative educational programs at these schools. Harvard University, for example, would work with the staff and students of Roxbury High School, and Liberty Mutual Insurance Company would work with Charlestown High School.

Another significant dimension of Phase II is the inclusion of the community in the school desegregation process at all levels of the school system. Parents and student councils are to be formed at various schools and for each community district. And a Citywide Coordinating Council with 40 members representing a cross section of Boston's population will serve the court as the primary body monitoring implementation of the plan.

Time is short for completion of planning arrangements for Phase II implementation this September. Moreover, there appears to be continuing public misunderstanding about the cost to Boston taxpayers of the plan and the extent of transportation involved.

Chairman Flemming. Thank you very much, Mr. White. Counsel will call the next witness.

Mr. Stocks. Thomas Atkins.

[Pause.]

Chairman Flemming. I am informed Mr. Atkins will be here in just a minute or two.

[Whereupon, Thomas Atkins was sworn by Chairman Flemming.]

Chairman Flemming. Thank you. Happy to have you with us.

Mr. Atkins. It's good to be here.

Chairman Flemming. Counsel will proceed with questioning.

TESTIMONY OF THOMAS ATKINS, PRESIDENT, BOSTON NAACP

Mr. Stocks. Mr. Atkins, would you please state your name, address, and occupation for the record?

Mr. Atkins. My name is Thomas I. Atkins. I live at 54 Townsend Street in Roxbury, and I am an attorney.

Mr. Stocks. All right. Are you the head of any civic organization in the city of Boston?

Mr. Atkins. Well, that depends on how you—I am the president of the NAACP, but that doesn't necessarily mean that I'm the head of it.

Mr. Stocks. Would you briefly summarize for the Commissioners the events that ultimately led to the NAACP filing a suit in the Federal court in order to desegregate the Boston public schools? I will leave it to your discretion to highlight those particular events that you think are significant.

Mr. Atkins. I think probably the easiest way to do that would be almost chronologically.

The NAACP, back in 1963, began what led to the suit filed in 1972. At that time, on behalf of a number of community organizations, agencies, individuals, numbering approximately 35, the NAACP went to the school committee with a list of some 14 requests for action, included among which were items relating to the absence of black faculty, for the most part; the absence of black administrators; the fact that there had not been for years, in the memories of people who had been in Boston for a long time, black custodial persons; the absence of black attendance officers; the fact that the material and curriculum in use in the public schools at that time failed to in any way adequately or accurately reflect the racial composition of city or country.

And included among the list of 14 items was one asking the school committee to acknowledge and take actions to deal with the fact of *de facto* segregation. Notwithstanding the fact that a majority of the school committee members were lawyers, the school committee showed an amazing inability to decipher the Latin, and we were told that there was no segregation in Boston.

We were taken aback by this and pointed out the schools that were 100 percent black or close to it. This, however, did not lead to any resolution with the school committee, and during the summer of 1963, the cause of the refusal of the school committee to even acknowledge that segregated schools existed in Boston, the black community engaged in a number of more forceful efforts to bring this problem to their attention.

There were, during the latter parts of June, approximately this time of year, there was a 2-day "freedom stayout," during which time black children were removed from school and enrolled in what we called "freedom schools." I think that was the first time the term was used in this country, in fact, with reference to desegregation.

Also during that summer there were lengthy picketing demonstrations conducted in front of the school committee building, culminating in September in a sit-in [at] the offices of each of the members of the school committee and the superintendent.

In 1964—well, needless to say, nothing happened in 1963, except the school committee members ran and were reelected. In 1964 the NAACP and the other community organizations and individuals concerned began to shift focus of our attention from the city, which we had virtually decided was hopeless, to the State and Federal Government.

In 1964, I believe there was a hearing by this Commission in Boston—though I'm not certain it was 1964. I believe that it was; either the Commission or the Mass. Advisory Commission.

Also, efforts began at the State legislature to try to get some State response to the problems we found existing in Boston. Those efforts ultimately led to the passage at the State level of the so-called Racial Imbalance Act.

That legislation had, by the time of passage through the legislature, become so watered-down and distorted that many of us felt that its utility would be limited if there were to be any utility at all.

The legislation as it emerged from the legislature established the principle that any school that was more than 50 percent black was racially imbalanced. However, there was a big gap in the legislative premise, because it did not find any problem with the school that was 100 percent white. The legislation also authorized the State commissioner of education to take certain actions in the event certain school districts failed to act.

Local school districts were mandated to take whatever steps were needed to reduce or alleviate the racial imbalance found within their school systems. Failing to do that, the State board of education could impose a plan for alleviating or reducing or eliminating the racial imbalance.

In the midsixties a State had the capacity to act, but not the will, as far as we were concerned. At that time, it would have been fairly simple, by redrawing boundary lines and by putting limits on the nature of new construction and perhaps closing down some schools, to have substantially alleviated the racial imbalance in terms of the legislation or the school desegregation, as we saw it.

The period from 1966 through 1970 was essentially taken up by a series of efforts between the city and the State—the one to resist, the other to implement—the legislation that had been passed. The city's efforts were more successful than the State's, so the legislation was not implemented.

By 1970 the feeling had grown that there would never be implementation of the racial imbalance law, that the combination of city resistance and lack of determination at the State level would inevitably result in a standoff into the distant future. That was when the idea of legislation was abandoned and litigation taken up.

In the period from 1970 to 1972, various theories of the litigation were discussed, and in 1971, the principal research was essentially completed, and in 1972, the suit was filed which led to the order by the district court, which started what is commonly known now as Phase I.

MR. STOCKS. Thank you. After the court issued its decision and its order under Phase I, did your organization anticipate the negative and violent response of the white community in Boston to school desegregation?

MR. ATKINS. We anticipated that there would be sections of the city that would, as they had in other times, manifest an antiblack attitude, and we also anticipated that there were some sections of the city in which the local leadership and the political leadership would be more vociferous and disruptive than in others. And we anticipated that the city officials were not likely to take the kinds of steps necessary to head off that kind of problem.

Yes, we did anticipate that.

MR. STOCKS. How would you assess the role of other community leaders and other community institutions during the desegregation process of Phase I?

MR. ATKINS. Other than what?

MR. STOCKS. Other than the city.

MR. ATKINS. Are you now talking about nonpublic people and agencies?

MR. STOCKS. Public, higher educational institutions, religious community, the business community.

MR. ATKINS. I would say that the business community early last summer exhibited a willingness to play a helpful role. That was shown through a statement that was issued by the chamber of commerce. It was shown by various statements issued by leading figures in the business community.

But it was also clear—and they made it clear—that they saw their role as a supportive role, not a leadership role, and that they would play a role supportive to that of the city, principally, and the mayor, and they focused their attention on the mayor.

The absence of response from the mayor to provide leadership resulted in a substantial deterioration of the business community's ability or willingness, as the case may be, to play a very helpful role. They did, however, indicate a willingness to do that, but they were not sufficiently organized themselves or sufficiently committed themselves to take a leadership role.

With respect to religious organizations, there was a variegated response. The Catholic archdiocese, under the leadership of the cardinal, early on issued a statement saying that the archdiocesan schools would not be allowed to become havens for those seeking to escape desegregation.

The cardinal, to his credit, stuck by that position, even though, as I understand it, there were numerous parishes which worked actively to undermine the position taken by the cardinal and did, in fact, admit students fleeing the Boston school system.

The Episcopal Church, under the leadership of Bishop Burgess, also played a very public and a very supportive role, a very strong role.

From that point, one gets into a thicket, because the nature and the quality of leadership from the other civic organizations, institutions, was not very strong.

During this period, the drumbeat from the media was one of anticipatory violence, was trying to identify those places where trouble might occur. And the political leadership in Boston was abominable, if present.

MR. STOCKS. Thank you.

Mr. Chairman, I have no further questions.

CHAIRMAN FLEMMING. Commissioner Freeman?

COMMISSIONER FREEMAN. Mr. Atkins, I would like to know if you can tell us what changes, if any, have been made with respect to the employment patterns of the various schools. You referred to the problems that were described. You referred to custodial employees, attendance officers, and faculty.

Would you tell us what changes, if any, have been made?

MR. ATKINS. No changes were made until the court order—it's a short story—and for that reason, one of the elements of the suit that was filed had to do with faculty segregation and faculty discrimination and discriminatory assignments.

Part of the court action that took place over the course of the past several months involved efforts on our part, representing the plaintiffs, to get from the court orders that would instruct the school committee to cease the discrimination.

Such orders did come from the court last summer. In fact, the court ordered that some 200 or so, maybe more, vacancies that then existed were to be filled on a 1 to 1 black-white ratio until a certain proportion of the faculty had reached that level.

That order has been reinstated and is now a standing order. There is a similar motion pending in court with respect to administrators. At the time the litigation was initiated, out of 19 black administrators in the Boston school system, all 19 of them were either in schools that were overwhelmingly black or in districts that were overwhelmingly black, and there was not one outside that area.

The number of black administrators has increased somewhat, but as far as we're concerned, the increase has been almost insignificant, and for that reason, the administrative order is being pushed. There will be a similar effort made to require the school department to cease discrimination in the hiring of such nonacademic or nonadministrative personnel as guidance counselors, librarians, dieticians, musicians, and even janitors and cooks. In Boston, the pattern of discrimination has been almost complete.

Commissioner Freeman. Yesterday we received testimony that indicated that the attendance officers were not effectively carrying out their job. Will you tell us the number of attendance officers who are black or other minority?

Mr. Atkins. To my knowledge there are no black attendance officers, and to my knowledge there is one nonwhite attendance officer who is serving in a capacity—sort of an extraordinary position created, I am told, by the superintendent in an effort to make it possible for the Hispanic community to be more effectively communicated with. This persons functions as an attendance officer, but to my knowledge he is not.

Commissioner Freeman. Do you know if there is any law in the State of Massachusetts whereby the aid to a school district depends on the daily attendance or average daily attendance of the particular school or school district?

Mr. Atkins. There are a number of school aid formulas operating in Massachusetts. One of them does—is triggered by the daily attendance, yes.

Commissioner Freeman. Do you know the extent to which this was—to which the aid was decreased in those schools the daily attendance reflected the boycott?

Mr. Atkins. Well, I think that it would have been diminished had the reports turned in by the school department to the State been honest.

However, there is a long pattern of inaccurate, and I suppose you would have to say dishonest, reports being turned in by the city both to the State and to Federal agencies, HEW specifically in this instance, since HEW also has some aid which is based on attendance figures.

The school department has made a practice of overstating the number of students in attendance at a given school at any given time, and they've done that by a number of techniques over the past several years.

One is if a student at any time during the course of a school year shows up at a school, he is always counted as having been there.

They also fail to account for transfers between schools or transfers from the school out of the school district to either private, denominational, or other public schools after school has begun. In other words, if school starts and a student begins the school year in a public school in Boston, and subsequently transfers out, in many school areas in the city that student's name would continue to be carried.

Now, this fall, this past fall, I know that there were instances in which—I'm told there were instances in which students who had been boycotting were carried on the rolls as present, and so I can't answer your question directly.

Commissioner Freeman. Is there any agency of the State that is responsible for monitoring the accuracy of these reports?

Mr. Atkins. Oh, there are a number of agencies that ought to be responsible, but none of them have done it. Early last fall, we asked the State commissioner of education, whose principal responsibility it is to monitor and enforce the State's compulsory attendance laws, to take action in this respect. And at that time, he indicated that he thought that, in effect, there would be nothing happening during a symbolic 2-week protest period.

We felt then, and the facts have borne us out, that it was not symbolic, it certainly wasn't going to be 2 weeks, and that like most protest movements that were poorly led, the difficulty is how to get out of a corner into which you painted yourself, and the boycott in Boston had that problem. The leadership could not stop the boycott and they quickly lost control of the protest.

Commissioner Freeman. Thank you.

Chairman Flemming. Commissioner Ruiz?

Commissioner Ruiz. You stated that the political leadership of the city was abominable in the early phases.

Since you've been in this matter from the beginning, are you able to evaluate the current political leadership in the area of desegregation and its busing implementation?

Mr. Atkins. We've got the same people now that we had last year, and their performance has not substantially improved.

The principal leadership in desegregation in Boston has come from the court. Secondarily, it has come from the commissioner of education, and the third element of leadership has been the superintendent of schools in Boston. The mayor has provided no leadership, and from time to time has not only not led, has deterred the implementation.

The chief of police, or the commissioner of police, has from time to time made statements which have been in their impact disruptive and harmful.

The Governor, the present one and the past one, have each from time to time taken actions or made statements which have either been intended to or certainly had the effect of undermining the efforts to implement desegregation in Boston. The city council has been a wasteland. The school committee properly is a defendant in the action, and many of them ought to be in jail.

Commissioner Ruiz. Can you point to a single political leader who may have changed to the better?

Mr. Atkins. No.

Chairman Flemming. Commissioner Horn.

Commissioner Horn. Mr. Atkins, you mentioned during the earlier portion of your remarks that the drumbeat from the media was one of anticipatory violence. Based on your scrutiny of the various aspects of the school desegregation in Boston, how would you describe the media coverage of these events? Was it balanced? Did it change over time? Was there a difference between the print and visual media?

Mr. Atkins. I think the media made an effort to provide sensitive coverage, and I think that the effort the media made resulted in some problems. I think the—I know that back last summer, there were a number of meetings and discussions held by various parties, the mayor initiating many of those meetings, to try to emphasize the importance of positive news coverage.

I think the media was aware of the impact they could have on fanning flames of confusion or perhaps even of violence, and I think that the media made a sincere effort to avoid that. I feel personally that the media stepped out of its role, and because of that, it did not perform well.

I contrast the coverage coming from Boston or coming about what was happening here as presented by the local media, and that presented by the national media, and I tell you the national media was more accurate. This is particularly true with respect to television. It was from time to time true with respect to the printed media, though less so there, and were it not during much of this period for the consistently accurate and extensive coverage given by the radio station WEEI, many people in Boston would have had very little sense of the accurate development of facts around desegregation.

I think that the responsibility for what happened in the coverage by the media might well be the subject of some doctoral dissertation. However, I remember and I compare what I saw here with what I saw in 1964 in Mississippi, when I spent the summer there. There, the local media by agreement would not cover anything that they considered to be unfavorable to Jackson or to the State of Mississippi. The national media did what they did everywhere else. They would come in and if something was happening, they'd shoot it. If there was a building burning and all the other buildings in the city were not burning, they'd shoot the building that was burning. That's what they always do. That's what they did in Jackson.

So there was this great contrast between the local and national media. The same thing was true with the printed media. What you read in the *New York Times* about Mississippi and Jackson made you think you were in a different place from what you read in the local press.

I saw that kind of contrast last year in Boston. The motivation was different, but the effect was the same. And I think that people in a city such as this are best served when most accurately informed. People cannot make informed judgments if they are not informed. And I think the media succumbs temporarily to the enticement from the city hall to give a sugar-coated coverage of the news.

Commissioner Horn. Okay, let's make it very clear then, because you're the first witness that has said this. You're saying the local media, both print and visual, with the exception of one station, WEEI, essentially covered up—

Mr. Atkins. No, I did not say that.

Commissioner Horn. You said the national media gave a much more accurate picture.

Mr. Atkins. The terms I used, I used deliberately. And I usually do that. And I did not say "covered up."

Commissioner Horn. You made the comparison with Jackson where I think you would say the local media did cover up what was occurring.

Mr. Atkins. You may characterize what I say anyway I wish, Mr. Horn. Do not attempt to put words into my mouth. I am quite capable for doing that for myself.

What I said is that the media here, under the prodding and with the invitation of various people—some community people, black and white, and principally throughout most of that period from city hall, was invited to take a positive approach, as I think it was then called. And I think the media tried to do that. I don't think there was a deliberate effort to cover anything up. The media—let me give you an example of that. It's an important point.

During the early days of school last fall, the city had set up an information [center] in city hall, and every day there were press conferences or press briefings, and there would be like a body count: We have "x" number of students in school today; we have "x" number of schools opened today; we have "x" number of buses that made it today; we have "x" number of incidents that did not happen today. And the media were not able to gather all the statistics themselves, so they relied on that information until they found that the information that were being given was not accurate, and that they were being, in effect, fed results rather than facts.

From that point, most of the media abandoned that approach and the city hall briefings ceased to play very much of a role.

There was a period in the—I would say the first 2 weeks or so of last fall, when there was not good service given because of this effort. In the period leading up to the opening of school, the division within the city officialdom prevented very good and accurate media coverage. There were good stories that came out, printed and broadcast, but it was despite the efforts of the city officials and despite the efforts of the State officials.

Commissioner Horn. The reason I pursue this is [that] we have had several witnesses here from schools that seemed to have a successful desegregation experience such as the Jeremy Burke High School, which had felt that their story was not accurately or extensively covered at either the local or the national level.

And what I'm leading to is, in your judgment, what is the effect of such coverage on the attitudes of parents and students in the black community in terms of their willingness to come to school? For example, if you every night on the 6 o'clock and 11 o'clock news only one school where there are crowds, harassment, etc., does this discourage citizens all over Boston from going to schools where perhaps this is not occurring?

Mr. Atkins. Well, I think that the impact certainly has that kind of permeating effect. But it would have the same effect if at the same time you showed the crowd outside the one school, you showed children inside the other school studying.

And the effect, the impact of our modern, instant coverage is such that it always focuses on the extraordinary. That is the nature. I think that it's unrealistic to expect that suddenly, during a desegregation of schools, media style and technology of broadcasting the news and presenting the news will change. It's no different now than it has been historically, except for a brief period where there was an effort to, in effect, do a p.r. job for the city.

I think that probably hurt more than helped, because there was a period during the early days of school when there was disagreement as to whether or not there were problems in the city, and that disagreement was heard on the radio programs, the talk programs, and letters to the newspaper editors, etc., in which people criticized the national media for stirring up trouble, for talking about things that weren't happening in Boston and for giving a distorted picture.

Our position was and remains that the media's role is best served when the media serves its role. If we choose a role for the media, or public officials choose the role the media's going to serve, they cease to be servants of everybody. They become propagandizers for somebody.

Commissioner Horn. Thank you.

Chairman Flemming. Commissioner Saltzman?

Commissioner Saltzman. Mr. Atkins, what can make the difference in the implementation of the court order between what happened in Phase I and what may happen under Phase II?

Mr. Atkins. One of the things that will certainly have an impact on the implementation of Phase II is that it is no longer possible for those whose leadership has in the past depended on selling false promises to sell them as effectively.

"Never" is no longer believed in Boston. It is "now." It is not a question of whether there will be desegregation. It is only a question of how it will be accomplished.

Up until the action by the Supreme Court denying certain—there was still open the question of whether or not somebody, somewhere, some day, would say it didn't happen; there was no problem in Boston. And I think those kinds of hopes were fed by statements made such as the one made by the President when, gratuitously, he indicated his disagreement with the Federal court and the order of the Federal court, as though somebody cared, as though the President were allowed a temporary surcease from his role as a Chief Executive Officer of the United States.

He became at that point an obstacle and part of the problem, rather than a part of the solution, and that statement had incalculable impact and did incalculable harm to the efforts in this city to implement peacefully the desegregation order. I think, therefore, that one of the biggest things that has happened and that will make for a difference is the inevitability that is now seen.

Second, the biggest vacuum was one of leadership, leadership from officials, public officials, and leadership from the white community. The black community, throughout the period from last summer through now, has had to bear the burden of leading the whole city. The mayor from time to time has refused to lead and has tried to hide. The Governor, this one and the last one, from time to time has tried to say, "It's the mayor's problem, it's the judge's problem, it's anybody's problem; it's not my problem." And they have not provided very great support and at times have been harmful.

The police have been confused, and from time to time the police role has been—has bordered on, in my opinion, criminal, and there are policemen who should have been prosecuted for their inaction and dereliction during the period of implementation last fall, and perhaps some that might well have to be prosecuted yet.

The activity of the school committee members was as contemptuous as they were bound to be by the district court, and if they continue they will probably again be put in that stance.

There has been a leadership vacuum in this city, and the effort on the part of the business community that I described earlier, while positive at the beginning, did not culminate in leadership, because they were geared to follow. They were led into a following posture, and there was nobody to follow.

So that's a major part of the problem, and in that kind of a context, Commissioners, the critical need is for law enforcement people to make it clear that the law will be enforced.

CHAIRMAN FLEMMING. Commissioner Rankin?

COMMISSIONER RANKIN. Yesterday we heard testimony from representatives of busing groups that they did not object to their children—that blacks and whites going to school together; it was simply they objected to forced busing.

Do you accept that position?

MR. ATKINS. No.

COMMISSIONER RANKIN. Do you have any evidence?

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Mr. Atkins. Oh, yes. I believe that we have ample evidence.

Commissioner Rankin. We haven't time to go into it, but you say you have evidence to that effect?

Mr. Atkins. Let me offer you a proposition, Commissioner.

Commissioner Rankin. Our time is about up. My Chairman is saying—he didn't even want me to ask you this question, but I wanted to get it in. Could you make a very short answer and satisfy our Chairman?

Mr. Atkins. Let me suggest that you ride through the streets of South Boston, and look at some of the signs on the buildings if they haven't already been painted over. And let me suggest that you talk to some of the black children who rode the buses.

The signs that were greeting them and the slogans that greeted them didn't say, "Buses go home." They said, "Niggers go home." They didn't say, "Kill buses." They said, "Kill niggers." And you're going to have one hell of a time convincing me that there was love in the hearts of people who were throwing bricks at our children and breaking the buses' windows and standing in crowds outside the schools trying to do harm to our children.

We don't believe it, we don't accept it, and we won't tolerate it.

Commissioner Rankin. Thank you.

Chairman Flemming. Mr. Atkins, on behalf of the Commission, I want to express appreciation for being here, for your sharing with us the kind of experiences that you and those associated with you have had, and responding very frankly to the questions that have been addressed to you.

You are helping the Commission as it takes evidence on the basis of which we will make findings and make recommendations. We are grateful to you.

Mr. Atkins. Thank you, Mr. Chairman.

Chairman Flemming. Counsel will call the next witnesses.

Mr. Alexander. Peter J. Couming, Arthur J. Gartland.

[Whereupon, Peter J. Couming and Arthur J. Gartland were sworn by Chairman Flemming.]

Chairman Flemming. Thank you very much. Happy to have you with us.

TESTIMONY OF ARTHUR J. GARTLAND, CHAIRMAN, CITYWIDE COORDINATING COUNCIL UNDER PHASE II; AND PETER J. COUMING, CO-CHAIRPERSON, CITYWIDE PARENT ADVISORY COUNCIL

Mr. Alexander. Starting with Mr. Couming, could you each state your name and address for the record and any organizations you are associated with concerning the Phase II and Phase I desegregation process?

Mr. Couming. My name is Peter Couming. I live at 87 Standard Street in the Mattapan section of Dorchester. I am a member of the biracial advisory council at the Woodrow Wilson Middle School, and I'm the co-chairperson of the Citywide Parent Advisory Council.

Mr. Alexander. Which is locally known as CPAC, is that right?

Mr. Couming. Right.

Mr. Alexander. Mr. Gartland?

Mr. Gartland. My name is Arthur J. Gartland. I am a resident at 612 Hatherley Road in North Scituate, Massachusetts. I am the chairman *pro tem* of the citywide coordinating committee appointed by Judge Garrity.

Mr. Alexander. Mr. Gartland, have you had previous experience in the school area? Were you a member of the school committee at one point?

Mr. Gartland. I was a member of the school committee for two terms, commencing in 1962 and terminating in 1965.

Mr. Alexander. Okay. Could you tell us something about the makeup of the Citywide Coordinating Council, which I'll start referring to as the CCC shortly?

Mr. Gartland. The CCC is composed of 42 appointees, of whom 26, I believe, are residents of Boston and 16 are nonresidents. They include neighborhood people and people representing a variety of activities, public and private, in the city.

Mr. Alexander. Are all the members of the CCC in favor of what has been called again and again at this hearing "forced busing," or is there a diversity of opinion among the members in their own personal, individual opinions?

Mr. Gartland. I think I could safely state that everybody on the CCC is not in favor of forced busing, to use your term, but they are united in the principle that the order of May 10 uttered by Judge Garrity should be effectuated.

Mr. Alexander. Okay. Are any of the members of the CCC elected?

Mr. Gartland. Elected?

Mr. Alexander. Elected.

Mr. Gartland. Well, now, let me see. Basically all have been appointed by the court. Some—

Chairman Flemming. Pardon me, could I just interrupt? In order to keep the record straight as far as our viewers and so on are concerned, I would suggest that we use the name of the committee throughout. "CCC" stands for so many things. I think it would be better if we referred to it as the citywide council, as being a very important body in connection with—

Mr. Gartland. I will be very happy to follow your recommendation.

Chairman Flemming. I was really making the suggestion to Counsel, Mr. Gartland.

Mr. Alexander. Counsel understood the suggestion.

Chairman Flemming. Okay.

Mr. Gartland, what is the role of the Citywide Coordinating Council to be under the Phase II order?

Mr. Gartland. I construe the role of the Citywide Coordinating Council to observe and to monitor the effectuation of the court order by the school committee of the city of Boston and those otherwise related to it.

Mr. Alexander. What staff will you have available to you to be able to do this?

Mr. Gartland. We have no staff at the present time. We are authorized in terms of the order to employ a staff director and such additional secretarial and clerical help as required to carry out the mission of the council.

Mr. Alexander. I realize the council is recently appointed. To date, what kinds of activity has the council undertaken?

Mr. Gartland. It's in the stage I would describe as administerial, trying to adopt bylaws—indeed, it has adopted bylaws, which require the approval of His Honor, the judge.

It is engaged in the search for a staff director and for a locus in which it can conduct its business. The executive committee of the—the committee of the whole has met twice, the executive committee has met once, and at least two of the subcommittees have had a meeting germane to the mission of the subcommittee.

Mr. Alexander. Have you met with organizations in the city, business leadership, etc.?

Mr. Gartland. I have not.

Mr. Alexander. Has the Citywide Coordinating Council met with the school committee as yet?

Mr. Gartland. It has not.

Mr. Alexander. Is it part of the Federal court order that there is to be a monthly meeting?

Mr. Gartland. It is mandated that there is to be at least one monthly meeting at which will be in attendance the superintendent and the members of the school committee. There may be more meetings, but there shall be one per month.

Mr. Alexander. Has such a meeting been scheduled as yet?

Mr. Gartland. No, it hasn't.

Mr. Alexander. Could you tell us why not?

Mr. Gartland. It hasn't yet been appropriate to request a meeting. Our effort will be to hold a meeting prior to the end of the month of June.

Mr. Alexander. Okay. Mr. Couming, could you explain to us briefly what the biracial council structure in the city has been?

Mr. Couming. As I do that, if I may be allowed, I will give Arthur some background to the CCC from the parents' viewpoint that he might not be aware of.

Two of the members of the CCC were elected through three different levels of parent involvement, and recommended to the court to sit on the CCC.

They came through a specific school where their child was in attendance. They were elected by their peers there as a representative to the biracial council, which is the basic unit of parent involvement under Phase I and will continue under Phase II.

Each impacted school in Phase I had a council of parents that were elected sometime shortly after October 4 of last year. At that time, that was the first effort for parents to get involved other than some of the structures that were historically present in Boston.

In reference to the CCC again, there were three students who were elected by their peers and sent as representatives to the CCC. So there are, in essence, five elected people on the CCC who the court appointed.

Mr. Alexander. I see. In your school that you referred to earlier, had a parents' organization of a biracial nature existed prior to the court order establishing such?

Mr. Couming. It had. In some schools in Boston historically there have been advisory councils established with varying degrees of power and effectiveness.

In the school that my son was attending, the Woodrow Wilson Middle School in Dorchester, the headmaster or principal there had decided before the court order of October 4 to have an advisory council, and to structure that advisory council in a biracial nature.

When the court order came out October 4 mandating specific types of elections to be held, our council that was already in place applied for an exemption to the court order and was so granted, and we are seated as an advisory council in the biracial structure.

Mr. Alexander. How would you describe the level of parent participation in your council and from your role as co-chairperson of the citywide organization in the councils generally? Has it been an active role?

Mr. Couming. It varies greatly. Some schools have continuously fought—the parents at different schools—involving themselves, because they felt—I believe they felt—that involving themselves with a biracial council would, in effect, agree to what they term was the problem here, forced busing.

So if you went with a biracial council, in some neighborhoods it was agreeing with the judge of the court or the desegregation order itself.

Mr. Alexander. In fact do you have many members of your councils who, on the basis of their own personal philosophy, are opposed to the Federal court order?

Mr. Couming. Yes, we do, on all levels.

Mr. Alexander. Have they been able to be effective participants on the councils?

Mr. Couming. I believe so, yes.

Mr. Alexander. Could you define for us what are some of the specific types of things that council has been able to do over the past year?

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Mr. Couming. Well, quickly, one of the things we are constantly pointing towards, because we think it's important to other parents—as a result of an action at Hyde Park High School taken by the headmaster, where he asked all the non-school department personnel to leave the building.

The biracial council went to the court and asked that it be clarified whether or not they had the right to go in and investigate disturbances or problems at that school. And the court clarified the biracial council rule, specifically stating that the biracial council will have the power to go into the school they are involved in and investigate any situation. The headmaster couldn't exclude them from the building.

As a result of that, in any school in the city of Boston where the parents have taken the initiative to work through the biracial council, they have been able to monitor ongoing situations in the specific schools.

We have sent people to the school department's—let me think of the right title—there was a committee to review the code of discipline in the city of Boston. Because of the biracial council involvement, two people from our council were sent to sit with that committee and help work out the changes that seem necessary in the code of discipline for the city of Boston. And each individual school has involved in varying degrees 10, 12 parents on a regular basis in biracial caucuses to just talk about their problems.

To me, this is a very significant part. It's hard to measure what you've done, but if you can get 10 parents talking about the issues and the problems and the educational standards, it's a major accomplishment.

Mr. Alexander. What do you see your role being in relation to the Citywide Coordinating Council in the upcoming year?

Mr. Couming. Well, the role definition problem is an ongoing thing, because we're very new, both of us. The biracial councils are parent action groups. They advise at the school level, they support each other at the area level and at the citywide parent council level.

The CCC is a monitoring group who will be looking at all of it. Now, as we've looked at problems, trying to decide whether or not they were caused by the desegregation order, we ran into many problems that were running akin.

It's impossible to look at the problem of discipline in a school without looking further to see, you know, where are the educational standards here and what effect do they have on a child's ability to sit peacefully in school.

So we look at a problem and say, well, the kid is disruptive. It's a black-white incident, a fight. But as we dig into it, we find that the problem isn't just that. The problem could be that one or the other of the students involved has a poor reading level so that he gets into a classroom where he's on the defensive, so he has to—if he can't handle it academically, he's going to strike out.

So we felt some frustration from time to time that as parents we get in and we say we're just going to identify racial problems, and we find out that most of the racial problems that we're called to look at aren't necessarily racial problems. They're problems caused by possibly the failure to desegregate in the past, but they are problems in education.

So as far as CPAC and CCC, I think CPAC and the biracial councils from which we come will be looking to CCC to further investigate and help us make determinations on how to correct the root problems.

MR. ALEXANDER. Mr. Gartland, would you like to comment on the role of the biracial councils under the Citywide Coordinating Council system that has now been established?

MR. GARTLAND. No, I don't. I see them as cooperating with us in the manner which you heard described. The scope of the Citywide Coordinating Council is somewhat broader and we expect to work cooperatively with them, and we have evidence that we will.

MR. ALEXANDER. What are the—for the group or either personally—the objectives that you see the Citywide Coordinating Council obtaining in the Phase II plan? What would be the goals for this upcoming year?

MR. GARTLAND. Well, I think the broad goals are twofold. The broad goals are to see to the education of the children of the city through the effectuation of the court order, and simultaneously with that to see to a safe milieu in which students and teachers and administrators can work.

Specifically, what we hope to do through the activities of the subcommittees which have been provided in the plan is to establish liaison between the council and the schools and the districts, to be concerned about the education programs which are meant to be conducted in the magnet schools, and to the programs that will develop as a result of the commitments made by universities and businesses to collaborate with the schools in providing study opportunities and work-study opportunities with Boston students.

MR. ALEXANDER. We heard testimony in the past several days from a number of local city hall managers that were responsible for the neighborhood team concept under Phase I, who brought together law enforcement and other city agencies to plan for implementation.

Many of these persons, including Mr. Meade from the mayor's office, indicated that they would await the definition of the role of your organization before they moved and, in fact, they have not moved on implementation planning other than in a law enforcement manner.

Do you see your organization taking the role that was played by the neighborhood teams last year?

MR. GARTLAND. I don't see the role of the council as superseding any of the committees or the public functions which have already been established.

I see it primarily as a tool which Judge Garrity has established to report to him on what's going on in the schools themselves, in the field of public safety, toward his order being carried out.

I think he construes the role to be one of serving as a human relations committee, not a monitoring in the adverse sense of the word, but a committee that will head off confrontations, it's to be hoped, that would avoid the necessity of courts issuing orders constantly when the subjects of dispute or misunderstanding or lack of communication can be illuminated and clarified and the problem solved by the action of the coordinating council. But I certainly don't see us as taking the place of any department of the city which has a concern.

MR. ALEXANDER. Thank you. I have no further questions at this point.

CHAIRMAN FLEMMING. Mr. Gartland, in your testimony earlier, you indicated that provision had been made for a staff director and staff for the Citywide Coordinating Council.

Where will the funds come from for your staff director and the members of his staff?

MR. GARTLAND. I have to assume, Mr. Chairman, that the funds will be provided by the city of Boston. To my best knowledge, they will be provided by the city of Boston.

CHAIRMAN FLEMMING. Just in response to the last question, you indicated your feeling that the council's role would be more one of, shall I say, continuous mediation than of monitoring in the sense in which we normally use that term.

Do I gather from that, that as you see it, the council will not go in and investigate various developments in connection with the implementation of Phase II with the end in view of holding a hearing and pinning responsibility, but that rather where you sense difficulties, then you will try to mediate?

MR. GARTLAND. Well, I think you have inferred quite incorrectly from what I've said, and I'd better expand on that.

CHAIRMAN FLEMMING. Okay. I would appreciate it.

MR. GARTLAND. The council is empowered by the judge to make such investigations and to hold such hearings as will help it in its work, and consequently—incidentally, to call upon the school committee to furnish minutes of its meetings and to provide the members of the committee—the council, I should say—entry into the school system.

So in my first answer on which you've drawn me out to elaborate, I meant to say that I hope and I think that the role of the committee would best be as a mediator among all of the parties who have a serious concern—whatever their feeling may be about the judge's finding—who have a concern about the effectuation of the order.

Now, that isn't to say that the council is going to be the patsy for anybody, or that it will withhold from making those investigations and making those observations in public and to the judge which will contribute to the effectuation of the order.

CHAIRMAN FLEMMING. If you had any difficulty in obtaining information from persons, or obtaining documents, it's your understanding that the judge would help you achieve whatever objective you might have in mind?

Mr. Gartland. I can't believe otherwise. I think it would be our duty to report to him that there is something which we felt we needed and which we were empowered to get. If it would require a court order, we'd ask for a court order. But that isn't the spirit in which I would hope we will undertake the work.

Chairman Flemming. I appreciate that, but there is teeth in the order if they are needed.

Mr. Gartland. All the teeth of the Federal court.

Chairman Flemming. Looking at the period between now and the opening of the school year or the beginning of Phase II, what do you in your own mind—I know you have been in the middle of this issue for a long, long while—what in your own mind do you identify as the major issues that have got to be confronted between now and the opening of the school year?

Mr. Gartland. Well, in a general way, I think the major issue to be dealt with by the city officials and the parents of the city is compliance with the court order which has decreed that desegregation shall take place in the public schools.

Now, in my opinion—I don't speak for the council when I say this—but in my opinion, the political leadership of the city has not been forthcoming in stating that, regardless of how one feels about the order, it is the law and it is to be effectuated. I think there is a decision to be made by the public officials in the city as well as by the citizens, that the Republic will hold together if the law is observed, and the Republic will fall apart if it isn't. That's the major decision: Will the court order be obeyed?

Chairman Flemming. Do you feel the same obligation rests with the leaders, for example, of the business community?

Mr. Gartland. Quite.

Chairman Flemming. And the religious community? I assume you feel the same way about the higher education community, particularly in the light of their direct involvement under the court order.

Mr. Gartland. Commissioner, the committee is indivisible. We describe it as the religious community, and the educational community, and the safety community as one community. And all of these segments have their part to play and I will hope that they will do it.

Chairman Flemming. Do you personally feel that the judge's decision, involving in the way in which he has the community of higher education, is a significant part of the decision as you look forward to the experiences of the next few months?

Mr. Gartland. Yes, I do. I think it is in two ways: One it will symbolize that the educators of the community have a concern for the establishment of high quality education, and they have a real involvement. The students whom they get for their courses and who will earn their degrees come in largest number from the public schools.

So they have a real vested interest in the kind of education that goes on the schools.

Chairman Flemming. Thank you. Commissioner Horn?

Commissioner Horn. Mr. Gartland, you are a respected business leader in Boston. Over a decade ago, as a member of the school committee, you fought to eliminate racial imbalance. Let me ask you this pertaining to the other business leaders in Boston: Is the suburban residence of most of the Boston leaders the inhibiting factor in preventing them from taking a more vigorous stance concerning desegregation, or is it something else? If so, what is it?

Mr. Gartland. Well, I have to speculate about that. The business community—the nonresident business community, isn't homogenous by any means. I think there are people in the community who believe in desegregation, and there are those who don't believe in it.

I think what may inhibit an active participation on the part of some is their view towards the role of education in desegregating the society in this area.

I think another one—perhaps there are people—I don't know, I can't identify them—there may be some who may have a commercial interest and would like to speak one way, but who realize that retribution against their business by significant numbers of people could hurt them.

I'm sure there are many motives, and I can't hope to catalog them, and I certainly wouldn't purport to lump them one way or the other.

Commissioner Horn. Do you detect any growing realization that for the future of Boston and the future of business in Boston which depends largely upon the Boston school system to provide its employees, that this issue must be faced and that the business leadership of the major corporations as well as the medium-sized corporations who have a residence in Boston must take a stand and make it not only a moral commitment, but also a commitment that's in their longrun economic interest?

Mr. Gartland. I'd certainly express it as a hope, and I agree with what you say. I think that the health of the commercial industrial community is very much affected by the educational output, in a manner of speaking, of the Boston Public Schools.

What may need to be realized among the members of the public, the employee members of the public, is that a good many businesses are more mobile than perhaps they may suspect. Public utilities can't move and banks can't move, but insurance companies can and manufacturers can. So it's a two-way matter.

I think most people want to stay here. This is a delightful place to live and grow up, but—and I think many businessmen in and out of Boston want the community's prosperity for their own sake as well as their employees. But I don't know whether I've answered really your point or not.

Commissioner Horn. One last question along this line: Do you feel there are any processes or apparatus under the Phase II implementation through either your Citywide Coordinating Council or other devices that might more deeply involve the business community and bring them to a point which will force a decision and a commitment in this regard?

Mr. Gartland. I don't really know. I have the feeling that whatever has been evolved to date can be improved and changed and augmented.

We do have businessmen on the coordinating council, and many of them are otherwise engaged in this membership in trying to bring harmony into the community, and as I am sure has been brought to your attention, there are businesses in Boston which have made a commitment not for Phase II, but prior to Phase II, to work with the school department in providing work-study opportunities, job enrichment, and educational enrichment opportunities.

I think there is a commitment and I think it will grow, but I couldn't tell you what additional devices may help the effort.

Commissioner Horn. Thank you.

Chairman Flemming. Commissioner Rankin.

Commissioner Rankin. Mr. Gartland, do you look upon your council as a temporary agency or a permanent agency?

Mr. Gartland. Temporary.

Commissioner Rankin. Temporary. Mr. Couming, what about your group; is it temporary or permanent?

Mr. Couming. Personal opinion: temporary.

Commissioner Rankin. Do you have a term of office, both of you, as members of your organization?

Mr. Couming. I do, sir.

Mr. Gartland. I think that Judge Garrity has appointed the members of the council, hoping and asking that they will serve at least until June 30 of 1976.

Commissioner Rankin. Unless you have a little permanence, it's going to be difficult getting a staff director, wouldn't you say, or not?

Mr. Gartland. It may be, anyway.

Commissioner Rankin. It may be, anyway.

Mr. Gartland. Nobody is going to be able to make a career out of it whether it's a 1-year or a 2-year job.

Commissioner Rankin. Who are you going to look for, do you think, for staff director? What type of man?

Chairman Flemming. Or woman.

Commissioner Rankin. Or woman; yes, that's right. Excuse me.

Mr. Gartland. You do have to be careful these days.

[Laughter.]

Commissioner Rankin. I'm still on the Civil Rights Commission and I forget it sometimes.

Mr. Gartland. I think that there's a degree of consensus among the members of the council who have discussed this that we need a person with some educational background. It doesn't have to be a teacher, it doesn't have to be a college professor, but somebody who knows something about the educational techniques and curriculum construction, and it has to be somebody with a flair for diplomacy, so that it will be seen that if we are to serve as a human relations committee and a mediator, that you don't do that with brass knuckles and whips.

I think there is a high degree of consensus that it would be ideal if the person were a resident of Boston and had children in the Boston schools, but whether we can find just the right person to fit these specs, I don't know.

Commissioner Rankin. Who calls the meetings of your council?

Mr. Gartland. I do, but because the subsequent meetings are—

Commissioner Rankin. But you haven't called any yet?

Mr. Gartland. Of the council?

Commissioner Rankin. In June, did you say?

Mr. Gartland. Oh, no, no. That isn't so. We had two meetings of the full council in June.

Commissioner Rankin. I'm sorry, I misunderstood you on that point.

Mr. Gartland. We had the initial meeting when we got to know each other to some degree and be identified, and we had another meeting of the whole committee. We had a meeting of the executive committee and of the subcommittees.

Commissioner Rankin. Well, I think you're doing pretty well.

Mr. Gartland. We're trying.

Commissioner Rankin. Just one last question. Do people serve on your council willingly or reluctantly, do you think?

Mr. Gartland. I think everybody would have to be described as a willing member.

Commissioner Rankin. And so we have people of good intentions who want to do right and want to help solve this problem in Boston, don't we? We hear such conflicting testimony. It's nice to have your testimony that people take a hard job like this willingly and gladly. So I want to compliment the people who do it for that reason.

Mr. Gartland. Thank you. I will pass that message to them. It's heartening to hear.

Chairman Flemming. I am certainly encouraged by Commissioner Rankin's comments.

Commissioner Freeman?

Commissioner Freeman. I have no questions.

Chairman Flemming. All right. Commissioner Saltzman?

Commissioner Saltzman. Mr. Gartland, because of the lack of time, I asked Mr. Atkins of the NAACP after his public testimony whether or not a Federal policing presence were necessary, in his view, to implement Phase II. He strongly urged such a Federal policing presence. Do you concur with him?

Mr. Gartland. I don't know what Mr. Atkins had in mind, whether he feels that there ought to be Federal presence, whether military or marshals, I don't know.

I could only say fervently I hope it won't be necessary, but obviously if the work of mediation is rejected by the parties to the litigation and those beyond who don't believe in desegregation, I suppose it will be a necessity.

COMMISSIONER SALTZMAN. One final question. Mr. Couming, do you think that the parent involvement now being structured into Phase II will be of significant difference in contrast to the lack of parental involvement in Phase I?

MR. COUMING. Most definitely. Last year we got started after an October 4 order, and then a few elections around the city, and then the subsequent elections of an overseeing group which is the citywide parent advisory council, back around November 22. Well, there had been an awful lot of water over the dam before we even knew we could organize and start working together.

This year we are going to have elections if the pupil assignment notices are finalized or generally finalized by June 25. We are going to have elections to involve parents for the next few months. Starting June 30, three levels of schools will have elections on different days: June 30, July 1, and July 2.

Now, these are bad dates; the parents have been very upset. Perhaps it's significant to say that a committee of Mr. Gartland's group and the members of CPAC met last night and resolved the problems around these elections.

We have come to a compromise. The new parent involvement setup will be from now to October 20, and that will allow the parents to work for the summer, and those parents whose assignments may be late can then get involved in October when the new elections take place. So yes is the answer to your question.

COMMISSIONER SALTZMAN. Thank you.

MR. COUMING. I would like to add, Mr. Chairman, that there is a lot of testimony going around here that the business community and the leadership of the city of Boston has been less than efficient over the last year, and my experience has not been that. Since November 22, when we were called to elect citywide representatives, I was continually bumping into business leaders and businesses donating time, space, energy, and the simple things like coffee to our efforts. They have been there. It has been very difficult for them to be visible because of possible retaliation of a few people of the city of Boston; I'm sure it's a frightening prospect.

If you own a bank or you own an insurance company, you don't want your window smashed. That is the problem. But generally speaking, they have been there and I think they're going to continue to be there.

CHAIRMAN FLEMMING. Thank you. Commissioner Ruiz?

COMMISSIONER RUIZ. I believe the witness made reference to the fact that it was the political leadership and not the business leadership, that one of the reasons there wasn't business leadership was because they were dependent upon the political leadership.

Mediation, Mr. Gartland, is a most difficult task. It requires vigorous affirmative commitment as opposed to simply negative compromises. I've seen mediators try to mediate a quarrel between a husband and wife and the husband and wife end up by beating up the mediator.

[Laughter.]

The coordination council has several score members—

Chairman Flemming. I might say the Commissioner's observation grows out of some very practical experiences in the legal profession.

[Laughter.]

Commissioner Ruiz. You mentioned the fact that there are divergent points of view within the coordinating council. From an organizational, practical point of view, the usual organization may easily be tied up for a month just getting the qualified, competent staff director with the divergent qualifications that you submitted And I was wondering, is there a court-ordered timetable within which period you shall have a staff director? Is there something there in the event you get tied up, so that the court appoints one? What is the mechanism there? This is most important.

Mr. Gartland. There is no specification, Commissioner. There is simply provision made for the employment of a staff director. I think that everybody on the council believes that it's important to recruit somebody. No delays. We need a man right away—we need a person right away. And we're going about it just as quickly as we can.

The judge has specified no timetable, but it's abundantly evident that we need somebody who can organize the committee meetings, the subcommittee meetings, see to the preparation of minutes of the meetings. They are being circularized so that the committee of the whole, which will meet probably monthly, will be informed of what the subcommittees are doing.

The divergency that I referred to really was in response to a specific question. The question was, as I understood it, "Were there people on the council who don't believe in forced busing?" And that was the phrase used.

And my answer to that simply is yes, but I emphasize the point that, for purposes of the work to which we are appointed, I don't believe there is any Trojan horse. I believe that everybody on the council believes in the effectuation of the court order as contributing to the education of children and to the reestablishment, or the establishment, throughout the school system of public safety.

Chairman Flemming. One final question.

Commissioner Ruiz. Well, this was a final question. It was going to be a hypothetical; it will require a lengthy answer, so I will withdraw it.

Chairman Flemming. Go ahead and put it in. Maybe you'll get a short answer. You can't tell. Go ahead.

Commissioner Ruiz. The hypothetical situation, in the event the coordinating council gets tied up and doesn't select or can't find a staff director of the type and nature it will need, I assume that by virtue of the fact that you are working very closely with the court, you will immediately take that to Judge Garrity and say, "This is our problem; how do we solve it?"

Mr. Gartland. Let me explain why I don't think that will be necessary. The council has met, and by its vote it has empowered me to recruit a person whom I believe capable of conducting the function of staff director, and that at the time I submit the name for affirmation or veto, I am to provide at least—I think either two or three other resumes signifying who had been considered.

Commissioner Ruiz. You are to be congratulated. That inspires confidence.

Mr. Gartland. Thank you.

Chairman Flemming. Mr. Gartland, I appreciated very much your making it clear that the coordinating council is in a position where it can monitor in an effective way. But for a long time, I have believed that what we need in government at all levels, and associated with government at all levels are people who believe in and practice the art of continuous mediation.

Consequently, all I want to say as one member of the Commission, Mr. Couming's testimony, your testimony, which indicates the emphasis that is going to be placed on this process of mediation in the weeks and the months that lie just ahead is very heartening and very encouraging.

And like Commissioner Rankin, I certainly want to express appreciation for your willingness, both of you, as citizens, to become involved in this process in this significant manner. And we do appreciate your being here with us today and helping us develop a record on the basis of which we in turn can develop findings and recommendations. Thank you both very, very much.

Mr. Gartland. Thank you very much.

Chairman Flemming. Counsel will call the next witness.

Mr. Alexander. Marion Fahey.

[Whereupon, Marion Fahey was sworn by Chairman Flemming.]

Chairman Flemming. Thank you, and we are very happy to have you with us.

Ms. Fahey. Thank you very much.

TESTIMONY OF MARION FAHEY, SUPERINTENDENT DESIGNATE

Mr. Alexander. Ms. Fahey, could you identify yourself for the record? Your name, your current position, and understanding the position you will occupy as of September 1.

Ms. Fahey. My name is Marion J. Fahey. I am an associate superintendent in the Boston Public Schools. I am associate superintendent in charge of supportive services and my major emphasis is on the improvement of reading instruction. I am superintendent-elect.

Mr. Alexander. Okay. Would counsel identify himself for the record, please?

Mr. Tierney. Yes. My name is Philip T. Tierney. I am an associate in the firm of Demento and Sullivan, and we represent the Boston School Committee in the ongoing desegregation litigation before Judge Garrity.

Mr. Alexander. In your current capacity, what are your general responsibilities in terms of supportive services? What type of function have you performed over the past year?

Ms. Fahey. Over the past year, I have addressed my energies to the improvement of reading instruction in the Boston Public Schools.

I've also been in charge of the Title I services. Title I is a federally-funded program that offers supplementary services to children who are in need. Major emphasis of the Title I program is in the area of reading and mathematics.

At the present time, the program is operational in kindergarten through grade 5, and in private programs in selective middle schools.

Mr. Alexander. Is it correct there are no Title I programs in the high schools in Boston?

Ms. Fahey. No, that is not quite true.

Mr. Alexander. Okay.

Ms. Fahey. We do have two Title I-funded high schools, specifically Copley High School, which has also under the court order been designated as a magnet school, and the work-study program at Boston High School, which again under the court order is designated as a magnet school.

Mr. Alexander. During this past year in your capacity as associate superintendent, have you had any involvement at all with the desegregation process? Have you had any responsibilities for the desegregation process?

Ms. Fahey. The desegregation process has been the responsibility of all the administrators in the Boston Public Schools. As a member of the board of associate superintendents, which is Superintendent Leary's administrative advisory group, I have been aware of the progress and problems of the desegregation under Phase I.

Mr. Alexander. Did you have any specific assignments in relation to desegregation over the past year?

Ms. Fahey. The particular assignment I had would be the improvement of education for all the children.

Mr. Alexander. You were recently named as superintendent-elect; is that correct?

Ms. Fahey. Yes.

Mr. Alexander. Could you give us the exact date?

Ms. Fahey. April 29, 1975.

Mr. Alexander. Considering that Mr. Leary will be functioning as superintendent through the end of August and you take over in the beginning of September, have you established a transition program?

Ms. Fahey. Yes, we have. I have a transition document. The document addresses itself to the nine objectives that I feel are necessary to be completed on September 1—

Mr. Alexander. Could we have that document?

Ms. Fahey. —and it is a plan of action. It is available upon request at the office. I do have a list of the objectives that I would be glad to distribute.

Mr. Alexander. Mr. Chairman, I would like to have that entered into the record at this point.

Chairman Flemming. Without objection, it will be done.

Mr. Alexander. Could you briefly summarize your objectives you just referred to?

Ms. Fahey. Mr. Alexander, point of clarification. Would you like me to read them for the record?

Mr. Alexander. If it's not too time consuming.

Ms. Fahey. I think not.

Mr. Alexander. Okay.

Ms. Fahey. The summary of the objectives of the transition period:

1) The development of a national organization of Boston public schools and other resources to minimize the probability of interference with the operation of the schools and to cope effectively with any challenge to school operations.

2) Compliance and liaison with the courts and their representatives to assure legality and court support of all objectives, plans, and procedures.

3) The development by each school principal or headmaster of a set of specific educational objectives and plans for their schools which, if met, will realize the overall objectives of the Boston Public Schools; for example, the development of basic skills programs, career education programs, special education, and bilingual and bicultural programs, and will identify each school as a uniquely desirable educational institution.

4) The development by each community superintendent of an educational and management program to provide ongoing evaluation and support of the operations of each of the schools in his areas toward attainment of their respective goals.

5) Development of a definition of essential central services to be provided, and an organization to carry them out.

6) Development of a financial plan for the Boston Public Schools, including the commitments or pending commitments from Federal, State, city, and private resources adequate to fund the Boston Public Schools' plans, and a system of budgets and controls for their receipt and expenditure.

7) An analysis of personnel requirements for the Boston Public Schools, plans by school, area, and overall, and the necessary hiring assignment, training, and retraining to assure availability of required personnel at the opening of schools.

8) The development of a central management plan and organization to provide ongoing evaluation and support of the operations of each of the areas and central services toward attainment of the goals of each of the schools in the overall system.

9) A program of communications for the superintendent-elect, together with necessary information development and materials to assure understanding of objectives, plans, and progress by students, parents, the community, the school committee, and all other involved persons and agencies by September 1, 1975.

The objectives—we have a plan of action to meet the objectives and it's a plan that will have structure but has flexibility so that we can adjust.

Mr. Alexander. Are you at this point included in with Superintendent Leary and other pertinent personnel in any meeting concerning the Phase II process?

Ms. Fahey. I meet with Superintendent Leary on a regular basis. I am aware of the decisions that he is making regarding the implementation of Phase II.

There are some areas of agreement and, of course, there are some areas of disagreement. The decisions, the responsibility for the decisions, is Dr. Leary's.

Mr. Alexander. For example, in the appointment of the nine area superintendents, is that an area on which you are consulted?

Ms. Fahey. Yes. It was an issue on which I was consulted, but Dr. Leary has the responsibility for making the nominations.

Mr. Alexander. As the new superintendent of schools starting September 1, do you feel that there are many problems in your fully and effectively implementing Phase II?

Ms. Fahey. I am sure that there will be problems, but I see no reason why we cannot successfully implement Phase II of the court order.

Mr. Alexander. It would be your commitment then to fully and effectively implement—

Ms. Fahey. I stand committed to use all of my personal resources and to martial all the other resources necessary to implement the order effectively and efficiently.

Mr. Alexander. Is it your position as superintendent of schools that children of school age in the city of Boston should attend school this September?

Ms. Fahey. It is my conviction that children of school age in the city belong in the education operation of the school system.

Mr. Alexander. What additional resources, given your current state of knowledge, do you believe need to be brought to bear? For example, we have had a number of headmasters testify about the need for summer personnel to be able to do students' assignments, to be able to bring faculty back over the summer.

Could you directly address that issue about what plans are under way in that area?

Ms. Fahey. I believe and I support the headmasters' and principals' request that we have sufficient personnel on board this summer to adequately plan for the implementation of Phase II. And I support, too, the headmasters' request that we have inservice workshops in order to prepare the staff, the professional and the paraprofessional staff, for the implementation of Phase II.

Mr. Alexander. Has there been money allocated for those purposes?

Ms. Fahey. There—money, of course, will be a problem. The cost of desegregation is considerable. We have forwarded to the mayor a supplementary request for funds to cover Phase II of the desegregation order.

Mr. Alexander. How does that forwarding process work? Does that go from the superintendent to the school committee, who then approves it or modifies it, and then to the mayor?

Ms. Fahey. Yes, that is correct.

I have met recently with Mayor White and discussed the implementation of Phase II. And I have assured His Honor that the school department would seek additional funds both from Federal sources and from State resources to help defray the cost of desegregation.

Mr. Alexander. Do you believe that the office of superintendent, as constituted within the Boston school system, has sufficient personal administrative authority to be able to make the day by day decisions necessary to carry out Phase II?

Ms. Fahey. I do.

Mr. Alexander. What types of things would you have to go specifically to the school committee for? For funding decisions? Hiring? Could you tell us?

Ms. Fahey. Yes. The Boston School Committee are the policymaking board, and as superintendent, I am the executive officer who's charged with the responsibility of executing and implementing the policy. At all times I am responsible for the development of sound educational programs that will meet the needs of all the children in the city.

Mr. Alexander. Mr. Leary indicated that his experience over the past year was a substantial difficulty being responsible both for the desegregation process and for the rest of the school system, which was his normal, ongoing function. Do you anticipate the same problem?

Ms. Fahey. I believe that it is difficult for a superintendent to serve both as the coordinator for the desegregation process and the superintendent of an extensive school system such as Boston's.

I would hope that we would have a person who would be specifically charged with the responsibility and also given the authority to coordinate all efforts that are necessary to successfully implement the court order.

Mr. Alexander. Does such a person exist at this time within the school system?

Ms. **Fahey.** At the present time, Superintendent Leary has been designated as the coordinator for the desegregation process. He is assisted by John Coakley, the assistant implementation coordinator, and the staff at the planning center.

Mr. **Alexander.** Will it be your—will it be your position then to request from the school committee that a specific individual be designated for these responsibilities?

Ms. **Fahey.** I stand ready then to make any recommendation that will be necessary to see that this order is successfully implemented.

Mr. **Alexander.** In other support services, for example, if you felt it necessary to obtain consultants from other parts of the country to design implementation mechanisms, to provide resources to the educational planning systems, could you make those decisions on your own and carry them out, or would those need to go to the school committee?

Ms. **Fahey.** There are—the office of the superintendent does have certain powers. For example, it is within my power to design the workshops that would be necessary to meet the needs of the headmasters and principals. And certainly whatever power was in my office, I stand ready to execute those decisions that must be referred to the committee—the expenditures and funds and such—I am ready to recommend.

At the—recently, I met in Washington—or to be more specific, in Bethesda, Maryland—with a group of superintendents who are under similar court order to desegregate the schools.

The meeting was convened by the American Institute of Research, and it enabled superintendents to come together to exchange ideas and to be mutually supportive of each other in difficult times. We have offered to share resources with each other.

I know that there are people—there is an expertise inside the school system. I recognize there is an expertise outside the school system. We intend to bring the two together for the development of programs that will benefit the school children of this city.

Mr. **Alexander.** When you become superintendent in September, I gather you automatically become a named party in the Phase II order.

Ms. **Fahey.** I do.

Mr. **Alexander.** As such, you then have individual responsibility for the Phase II implementation.

Ms. **Fahey.** I do.

Mr. **Alexander.** We've heard testimony over the past several days as well as from newspaper accounts that the Boston School Committee, in effect, has been opposed for a long period of time to desegregation.

Do you see any personal conflict in your being able to carry out your responsibilities under Phase II in that context?

Ms. **Fahey.** I do not.

Mr. **Alexander.** You will fully and effectively implement Phase II?

Ms. Fahey. I will do all in my power, and the power of the office, to bring that to a successful implementation.

Mr. Alexander. The parents in the city can have that assurance?

Ms. Fahey. I so commit.

Mr. Alexander. I have no further questions at this point.

Chairman Flemming. Commissioner Horn.

Commissioner Horn. Superintendent-designate Fahey, over the last several days I first raised the question of school attendance, and Commissioner Freeman and I have both been examining various witnesses on how this process works.

I wonder, could you tell me in terms of your organization, where is the specific operational responsibility for the supervision of truant officers?

Ms. Fahey. It is in central administration, and as of March, it has come under my domain. It previously had been the responsibility of Associate Superintendent William Harrison, who's untimely death in February made it necessary for the superintendent to make some reassignments. So the attendance department is at the present time under my jurisdiction as associate superintendent.

Commissioner Horn. Do you intend to keep it there when you move to the superintendency? Is this where it makes sense organizationally?

Ms. Fahey. I think—and we are giving this problem some consideration—that it perhaps would be better placed in the field under the jurisdiction of the community superintendent. That is not yet a final decision.

We are—we have a study going on concerning the restructuring and the reorganization and redesign of the attendance department.

Commissioner Horn. Currently, who selects the various attendants or truant officers?

Ms. Fahey. They are civil service employees.

Commissioner Horn. Do they take an examination?

Ms. Fahey. Yes. They are subject to the rules and regulations for employment of all civil service.

Commissioner Horn. Generally, without getting too detailed, what are the requirements for holding that position?

Ms. Fahey. First of all, they have to pass the civil service examination.

Commissioner Horn. What I am getting at is does it require a college education? Previous law enforcement experience and so forth?

Ms. Fahey. No, it does not. Many of the attendants and supervisors have a background in law enforcement. Others have and hold college degrees. Some of them are pursuing college degrees. Many of them acquired the skills of a child advocate and they serve in this role.

Commissioner Horn. Since they report to your office, about how many are there?

Ms. Fahey. At the present time, I think there are around 36.

Commissioner Horn. Are any of them black?

Ms. **Fahey**. No, sir.

Commissioner Horn. Are any of them other than white?

Ms. **Fahey**. We do have a Mr. Alfonso Barrero [phonetic], who is the coordinator of bilingual attendance, the attendance of bilingual students.

Commissioner Horn. At the present time, are all 36 directly supervised by your office and not under the area superintendents?

Ms. **Fahey**. That is correct.

Commissioner Horn. But as I understand from previous witnesses, the process is that they would be assigned to a particular area, group of schools, and they would go and get the truant slips, if you would—there is perhaps a better phrase for it—and then presumably try to locate that particular student.

Ms. **Fahey**. That is correct.

Commissioner Horn. What kind of a reporting process do you have to monitor the effectiveness of attendance officers in the field to know if they've actually followed up on the student, how many students have been found, what the disposition of the case, is the student back in school, are there repeat offenders, so forth.

Ms. **Fahey**. This process is, of course, more direct to the field administrator. The attendance supervisors report directly to the principal about the number of cases that they have followed up, whether or not the child is back in school. We also have a monthly report to the office. It is a statistical report. It comes in in numbers. But there is a daily—there is a one-to-one communication between the attendance supervisor and the principal or headmaster of the school.

Commissioner Horn. Who bears the administrative responsibility for these attendance officers not effectively carrying out their duties, since apparently they report to the associate superintendent, but in reality they work with the headmasters of particular schools.

Ms. **Fahey**. I would have to assume that responsibility as the associate superintendent. We realize that has come forth in the study, that this is not ideal, and that is why it's under consideration, to place the attendance supervisors under the direct control—if that's the word—of the people—

Commissioner Horn. Of the area superintendents?

Ms. **Fahey**. That is correct.

Commissioner Horn. Well, I would agree with you, based on just a brief look at this situation. Could you furnish the Commission a summary of these attendance reports for the past year? I think the Commission would be—

Ms. **Fahey**. It's available.

Commissioner Horn. I would like to have it, Mr. Chairman, entered as an exhibit, and what I am interested in is the number of students that were involved, if you have a racial breakdown of those students, if that is available, and how many were reported absent, how many came back to school, so forth. Counsel can pursue it with your staff as to more detail.

Ms. Fahey. That statistical report to which you refer is available in the office. We will be glad to submit it.

Commissioner Horn. I would like to have it at this point in the record.

Chairman Flemming. Without objection, it will be inserted in the record at this point.

Commissioner Horn. Now, let's get back to the basic law of Massachusetts and what effect school attendance has under that law.

Many States have their school budgets based on what is known as "average daily attendance," ADA. Which one of your budget support categories are based on average daily attendance?

Ms. Fahey. No, average daily enrollment.

Commissioner Horn. Average daily enrollment? What's the difference?

Ms. Fahey. A student could be enrolled in school and, you know, for one reason or another, not in attendance each day. He could be out sick.

Commissioner Horn. All right. But what we have heard—testimony—early this morning from the president of the NAACP, Mr. Atkins, who made the allegation that the reports turned in by the city to both the State and the Department of Health, Education, and Welfare, are "dishonest" in attendance. And he said the school department has a practice of overstating the attendance.

If you show up once, which would be enrollment, you are counted all year. And if you transfer to another school, he accused the school department of failing to readjust the attendance figures or the enrollment between the schools. So the result is an inflated enrollment for the Boston city schools.

What is your reaction to that charge?

Ms. Fahey. I have no knowledge that that is the case. We have procedures for reporting enrollment and attendance on a monthly basis, and I have every assurance that the figures submitted are accurate and true.

Commissioner Horn. Is—what we call in higher education in California a particular census State, where 4 weeks after school begins the enrollment is then locked. If the student dropped after that, you wouldn't readjust it. Do you have a similar policy?

Ms. Fahey. Yes.

Commissioner Horn. What is your policy?

Ms. Fahey. That is the policy for the State. We submit to the State department of education our enrollment figures as of October 1 of any current year, and that is the figure that is used for any purpose, allocation of funds and such.

Commissioner Horn. Again, which funds from the State are dependent upon that enrollment figure?

Ms. Fahey. I would assume most funds that are coming in to us.

Commissioner Horn. Could we get a list for the record of the categories of funds furnished by the State of Massachusetts or the Federal Government to the Boston city schools, dependent upon "enrollment" which is defined as what it was on October 1, in your case. I'd like to know the programs and the amount and what your certified enrollment was for 1973-74, 1974-75.

Ms. Fahey. I'm sure that is available.

Commissioner Horn. Could we get that at this point in the record?

Chairman Flemming. Without objection, Counsel will be in touch with you to get that information, and then it will be entered in the record at this point.

Commissioner Horn. Let me ask one last question, and that is on collective bargaining agreements. To what extent do you feel your current collective bargaining agreements inhibit the planning and the training of your staff and faculty at both central headquarters and in the field for the purpose of desegregation?

Ms. Fahey. I cannot require a teacher or an administrator to be in attendance at an inservice meeting unless I have the funds to pay the teacher or the administrator for such attendance. I cannot extend the working day without financial remuneration.

Commissioner Horn. I take it last year a number of teachers did show up for voluntary sessions. Money was later found to reimburse them.

Ms. Fahey. They did. The administrators, too.

Commissioner Horn. Do you know what proportion of the teachers showed up for these sessions?

Ms. Fahey. I don't have that statistic readily available.

Commissioner Horn. Do you think it's available?

Ms. Fahey. I was encouraged by the tremendous, you know, support that the teachers gave to the central administration under Phase I, and I anticipate strong support under Phase II. I have met with the representatives of the Boston Teachers' Union and they have, as a body, committed the membership to assisting Boston in this very difficult time.

Commissioner Horn. One of the things, of course, of interest to the Commission in making its findings and recommendations is the added cost, if any, to a community undergoing the process of desegregation. Could you furnish this Commission with the estimate of the school system—and you mentioned you had met with Mayor White, and certain figures had gone forward. If there is an estimate, what are the costs from the last year of training sessions and so forth directly related to desegregation, and what are the estimates or the real needs in order to meet your collective bargaining contracts of the Boston school system for the coming year, in terms of training sessions, whatever other expenses you feel appropriate, which might include damage in the school that is beyond what the damage was in previous years, whatever.

I would like that at this point in the record, Mr. Chairman.

CHAIRMAN FLEMMING. Without objection, that will be done.

COMMISSIONER HORN. Now, just one last question on attendance, which I skipped at the time. Obviously, the reason we are pursuing the line of questioning is because of boycotts of the schools, and I guess I really need to know what is the law in Massachusetts in terms of sanctions on either the students or the parents if a student is kept out of the Boston schools and not attending any other accredited secondary school or elementary school.

MS. FAHEY. I believe that a parent or any responsible adult cannot interfere with the child's right to attend school, and that if such interference can be proven, that it is subject to court action.

COMMISSIONER HORN. Suppose the child says, "I just don't want to go to school"?

MS. FAHEY. That's a child in need of special services, and we do have ways in which we can put into play those services required.

COMMISSIONER HORN. Now, wait a minute. You're telling me that if 60,000 children decide they don't like going to school, that the Boston school system will deliver special services to their home?

MS. FAHEY. No, I said—no. I told you that if a child said, "I do not want to go to school," that there must be a reason, and that he is indeed a child in need of special services. We have a way in which we can meet, you know, his needs.

COMMISSIONER HORN. I'm sorry for being a little dense. I can understand this if the child is physically handicapped, if the child is not mobile to go to school. But I cannot understand it if the child, physically and mentally, can go to school, but merely says he or she does not want to go to school. It seems to me special services, unless it says, "Get to school; that's the law," doesn't answer that problem.

Are you saying this is a toothless law and there's nothing the Commonwealth of Massachusetts can do to enforce school attendance?

MS. FAHEY. No, I did not mean to infer that. I meant that we would have to investigate the individual case and find out why the child is objecting to going to school.

COMMISSIONER HORN. Can you compel school attendance under the law, and is it a misdemeanor for the parents of a child not to assure that that child is in school?

MS. FAHEY. In the final analysis, yes.

COMMISSIONER HORN. Do you know if any student—parents have been charged in the past years with a misdemeanor for keeping their children out of school?

MS. FAHEY. I believe that there have been parents who have been—who have, I suppose, been taken to court.

I would prefer to refer that specific answer to the department of attendance, and they could give you the number of cases that have been referred to the court for such action.

COMMISSIONER HORN. Well, I would like to know, as this exhibit, Mr. Chairman, the number of cases that were filed by the various attendance officers and the disposition of the court on those cases for 1973–74 and 1974–75, and if you have the breakdown, I would like it by race. Thank you.

Ms. Fahey. Thank you.

Chairman Flemming. That will be done.

Chairman Flemming. Could I just follow one question—with one question at this point?

You contact the child. You ascertain that the child just made up his mind he isn't going to go, period. Does the child become subject to the jurisdiction of the juvenile court or can the child become subject to the jurisdiction of the juvenile court under the law?

Ms. Fahey. I don't know. I think yes.

Chairman Flemming. Well, if you could—I don't know whether counsel has that information or not, but—

Mr. Tierney. Yes, that could be [inaudible].

Ms. Fahey. Yes, I thought so, but I wanted to check it, to clarify it—verify it.

Chairman Flemming. Counsel, you say you have ascertained that—what?

Mr. Alexander. Well, it is a criminal offense that could be considered contributing to the delinquency of a minor. It also could be subject to judicial action in terms of the child out of parental control and the child could be subject to the jurisdiction of the juvenile court, and perhaps even subject to removal from the home.

Chairman Flemming. Could you, at this point in the record, insert a statement on this, citing the relevant law or laws governing this kind of situation?

Mr. Alexander. We shall do so.

Chairman Flemming. Thank you very much.

Chairman Flemming. Commissioner Saltzman?

Commissioner Saltzman. Ms. Fahey, we have heard testimony to the effect that for sometime now, irrespective of the desegregation effort, at least some of the schools in the Boston public school system have been offering poor quality education. In what manner do you think the desegregation efforts in the coming year can materially contribute to the advancement of the quality of education in Boston?

Ms. Fahey. First of all, I would like to go on record as stating that I do not believe or support the testimony that there is poor education going on in the schools of Boston.

Commissioner Saltzman. I said only at least in some schools.

Ms. Fahey. Again, I believe very firmly that all schools are offering quality programs to the children. I believe that we can improve the quality of education not only in the city, but across this Nation, and I would hope that we can offer inservice courses to teachers and to administrators so that they would accept the dignity of the child and the uniqueness of each and every child, that he is an individual with strengths, with interests, with weaknesses, and that it is our responsibility to diagnose his needs and to program into an instructional process that will meet the needs to continually monitor his progress in the program, and to make adjustments in the program when the child's needs so indicate.

It is the responsibility of the schools to adjust to the learning style of the child, and not for the schools to—for the student to adjust to the learning styles of the teacher.

COMMISSIONER SALTZMAN. I was impressed, Ms. Fahey, with the reality of the abysmal physical condition of the South Boston High School. Dr. Reid, headmaster, indicated that he had made repeated attempts to have repair work done. We noted in our visits to the schools that no school we saw was in such poor physical condition. Can you tell us what is, in effect, an obstacle to improving the physical environment in South Boston High School?

MS. FAHEY. The obstacle to improving the physical environment in any school in the city is money.

COMMISSIONER SALTZMAN. But why should the South Boston High School seem or be so poor in physical condition in contrast to schools in the other areas?

MS. FAHEY. Again, as I said, the money isn't always available to make the improvements that are requested. The school department does have a working budget through Mr. Tony Galliata, who is responsible for the maintenance of the physical plans. Major renovations or alterations, construction of new buildings, belong with another city agency, namely public facilities.

COMMISSIONER SALTZMAN. Headmaster Reid has recommended in his testimony before this Commission that metal detectors be placed in every school where desegregation has some implications for the student body. Would you concur with this?

MS. FAHEY. I went to South Boston, and I went through the metal detectors. And I go through the same kind of metal detectors every single time I fly, and I abhor the fact that I have to do it at South Boston High and I abhor the fact that I have to do it in every major airport in this Nation. And I abhor a society that has constructed such a situation.

COMMISSIONER SALTZMAN. But would you concur with his recommendation to do this, even though you abhor it and all of us abhor it?

MS. FAHEY. I would rely on the recommendation of the headmaster of each and every high school as to whether or not the metal detectors should be employed.

COMMISSIONER SALTZMAN. Thank you.

CHAIRMAN FLEMMING. Commissioner Freeman?

COMMISSIONER FREEMAN. Ms. Fahey, I would like to pursue the point Dr. Horn was making with respect to the attendance. You indicated that the State aid is based upon the average daily enrollment, and my question—the enrollment, average enrollment. Now, the question that I have is with respect to those pupils who are assigned and who, as in the case of last year, in some instances, never really went because of the boycott.

Now, what is the—does a pupil—is a pupil considered enrolled after that pupil is assigned, or does that pupil have to actually present him or herself at the school?

Ms. **FAHEY**. The enrollment figure that is submitted to the State is one that is current as of October 1 of any given year. A child to be enrolled in the school has to be physically—has to physically appear at the school.

COMMISSIONER FREEMAN. You're stating then that, as of October 1 of last year, the report that was made to the State was based upon the number of children actually present in the school—

Ms. **FAHEY**. Presently—no. Enrolled—

COMMISSIONER FREEMAN. Actually enrolled in the school.

Ms. **FAHEY**. That is right.

COMMISSIONER FREEMAN. And they were considered enrolled only if they appeared physically in school?

Ms. **FAHEY**. Yes.

COMMISSIONER FREEMAN. As of October 1?

Ms. **FAHEY**. Yes.

COMMISSIONER FREEMAN. Then I would like to have a copy of that enrollment report for such date as was—was it October 1 of 1974?

Ms. **FAHEY**. Yes.

COMMISSIONER FREEMAN. Do we have it?

Ms. **FAHEY**. Yes. We will be happy to make all the statistical reports available. We should be happy to make them available.

CHAIRMAN FLEMMING. Let's just understand that if it is not in the record, then we will get the information from you and insert it in the record at this point.

COMMISSIONER FREEMAN. Have any other such reports been made to the State on—since then?

Ms. **FAHEY**. Based on the best knowledge that I have available; and I wish to clarify that at this point in time that, in October, the attendance department and the responsibility of the statistical reports was under the jurisdiction of Associate Superintendent William Harrison.

I know that there has been a constant communication between the State department of education, and the Boston School Department concerning enrollment and attendance figures, and that is available for the record.

COMMISSIONER FREEMAN. Well, thank you. We would like, if it is not available, we would like to have that inserted in the record as of this time.

My next question, and final question, relates to any affirmative action plan that you have with respect to the employment of teachers and administrative personnel such as custodial employees and all. Is the Boston school system under such an affirmative action plan—

Ms. Fahey. It is.

Commissioner Freeman. —requirement?

Ms. Fahey. It is.

Commissioner Freeman. Has that plan been submitted to the Commission?

Ms. Fahey. It is part of the court order.

Commissioner Freeman. Has there been any change with respect to the number of minorities in teaching positions and in top administrative positions since prior to the court order?

Ms. Fahey. Clarification?

Commissioner Freeman. During the past year—

Ms. Fahey. Yes, we have many more minority teachers and we have complied with the court order regarding the employment of minority teachers. The second—Phase II addresses itself to the employment of administrators. That will be implemented.

Commissioner Freeman. Does the court order include the attendance officers?

Ms. Fahey. No, not now.

Commissioner Freeman. Because your answer is that there are zero black attendance officers.

Ms. Fahey. That is correct.

Commissioner Freeman. And it is not included in the court order?

Ms. Fahey. Not at this point in time.

Commissioner Freeman. Thank you.

Chairman Flemming. Right along that line, do you have any plans, personally, for an affirmative action program dealing with the attendance officers?

Ms. Fahey. There will be a recommendation in the final report from the study group.

Chairman Flemming. Staying with the matter of attendance for a moment, I noted in the beginning you said you had a study underway, and that you and others were in the process of considering that study.

In view of the interest of the Commission in this matter, I would suggest that we keep the record open until such time as the action has been taken by you or others on that study, so that that can become a part of the record. Because it seems to me that, if you decide to delegate authority to the various superintendents, that is an important thing for us to have in the record.

Ms. Fahey. All right.

Chairman Flemming. Turning to Phase II for a moment, I personally would be interested in your reaction to the part of Phase II that calls for a very definite relationship between the school system and the institutions of higher education.

Ms. Fahey. All right. As the associate superintendent, I was delegated—designated as the university liaison. I have had a long record of relationships with the different colleges and the universities.

The program began, of course, in the traditional way, with placement of student-teachers in our schools, and it has progressed, you know, in various degrees and in various schools. At this point in time, we have programs such as the one that is currently in operation at the Holland School in Dorchester

We have two professors from State College at Boston teach a course in reading at the John Holland School. The students from State College travel to the school; they have an opportunity to become familiar with the environment, with the children; they observe the teachers in their interaction with the children; and then they serve there as teacher aides and sometimes tutors.

CHAIRMAN FLEMMING. Growing out of your experience, what has been the response on the part of the institutions of higher education?

MS. FAHEY. The response from the individual professors has been just magnificent. We haven't had a total commitment from the president, board of trustees, and so forth of the total resources of a college and university to the school department, except in the instance of Suffolk University and that was a vote of the board of trustees to commit their total resources to the school department for the better delivery of instructional programs to children.

I think of the initial stages of "flexible campus" program, which is an alternative program for high school students. It involves the colleges and the universities, individuals, professors made available slots in certain classes.

At first the students went and observed. They audited. As the college professors got to know us and to know our children, and to know that the quality of instruction going on in the Boston schools, they became aware of the fact that the students could not only audit, but they could take the course for credit.

The children from many of the high schools now are in attendance across all the colleges and the universities. I think sometimes the professors—the presidents, are amazed at the number of Boston high school students that are actually on their campuses. Many of the colleges recognize the quality of work that is produced by the students and they take the course for credits, and the credit is transferrable to other colleges and universities.

CHAIRMAN FLEMMING. Did you note during Phase I, any reluctance on the part of the colleges, particularly the colleges of education, to place student teachers in the school system for practice teaching?

MS. FAHEY. I had one such case. Only one.

CHAIRMAN FLEMMING. Only one. We had testimony from one of the high schools that, whereas in the past they had had a fair number of practice teachers, during last year they didn't have any.

MS. FAHEY. The supply of student-teachers is diminishing. That is due to the fact that the educational field is closing down. There aren't as many opportunities for teachers, and that young people are redirecting their careers. And we feel this in the placement of student teachers.

CHAIRMAN FLEMMING. Do you have any plans now, or when you become superintendent, to bring together the presidents of the colleges and universities that are involved in Phase II and ask them for the kind of commitment that you referred to earlier in your testimony?

MS. FAHEY. The court order has suggested that the colleges and the universities work cooperatively with the school department. I have met with the representatives of the colleges and the universities, and we have named some individuals at the local high schools to work cooperatively with the individual colleges and the universities, and they have developed proposals, planning grants, planning that will take place during the summer, and programs that will be operational in September. And I am delighted with the extra resource. It is not new. We have many fine, ongoing programs, and we view this just as an opportunity to expand on highly successful programs.

CHAIRMAN FLEMMING. First of all, I am sure that I speak for my colleagues when we extend to you our congratulations and best wishes on your appointment as superintendent. May I also say that, as one who has been in an administrative post, I recognize the difficulty in appearing at a public hearing and testifying while you are going through the transition period from your present position to the position that you will occupy on September 1.

We have appreciated your testimony and we have appreciated the kind of information that you have presented to us. And we will use this along with other testimony for the purpose of developing findings and recommendations which, of course, will be addressed to the Congress and to the President, of which we hope will be of help as far as the discharge of your very important duties and responsibilities are concerned.

MS. FAHEY. Thank you, Mr. Chairman. May I express to you and to the other members of the Commission my appreciation for being here this morning and having an opportunity to convey what will be the goals of my administration.

To be the superintendent of an urban school system, at any point in time, is indeed a challenge. How much greater is the challenge at this, the most critical time in the history of the Boston schools and, indeed, in the history of the city.

I have every confidence that the administrators, the teachers, the parents, and the students, and the host of other people in the community have the commitment and the capability to see us through the difficult days ahead. I know we will meet the challenge with success and that this city will become a model to the rest of the Nation, that we can begin together, we can learn to live together and to grow together. I know that growth is not instantaneous, it will take time. But September will see the seeds of that growth. Of that I am confident. We have so much to teach children and they have so little time in which to learn. We have to give them skills that will enable them to live and to cope in the 21st century. We must keep our commitment to the children. Thank you.

Chairman Flemming. Thank you for that statement. Thank you very much.

Chairman Flemming. Counsel will call the next witnesses.

Mr. Alexander. John McDonough, John Kerrigan, Kathleen Sullivan.

[Whereupon, John McDonough, John Kerrigan, and Kathleen Sullivan, were sworn by Chairman Flemming.]

Chairman Flemming. We appreciate your being with us.

TESTIMONY OF JOHN MCDONOUGH, CHAIRMAN, BOSTON SCHOOL COMMITTEE; JOHN KERRIGAN, MEMBER; KATHLEEN SULLIVAN, MEMBER.

Mr. Alexander. Starting with committee member Sullivan, would you each state your name, occupation, and your position on the Boston School Committee, and how long you have held that position?

Ms. Sullivan. My name is Kathleen Sullivan. I am a member of the Boston School Committee, and I have been since January of 1974.

Chairman Flemming. Just a minute. I am sorry that mike isn't on. Pardon me just a minute.

Is it on now? Okay, would you mind repeating what you just said.

Ms. Sullivan. My name is Kathleen Sullivan. I am a member of the Boston School Committee, and I have been since January 1974.

Mr. Alexander. I understand you are also a teacher, is that correct, Ms. Sullivan?

Ms. Sullivan. I was a teacher for 6 years before I ran for the school committee.

Mr. Alexander. Thank you. Mr. Kerrigan?

Mr. Kerrigan. My name is John Kerrigan. I live at 331 Ashmont Street, in the Dorchester district of the city of Boston. I have been elected by the people of Boston, and I stress the word "elected." I am not a political appointee, I am not a member of any blue-ribbon committee, but I have been elected by the people of Boston for four consecutive terms to serve on the Boston School Committee. I am also a practicing attorney in the city of Boston and a lifelong resident of the city of Boston.

Mr. Alexander. Thank you. Mr. McDonough?

Mr. McDonough. My name is John McDonough. I reside at 250 Galvin Boulevard in Dorchester. I am chairman of the committee. This is my third term.

Mr. Alexander. Mr. McDonough, could you state for us what the authority and the responsibility of the Boston School Committee is?

Mr. McDonough. Well, the responsibility is to oversee and formulate and direct the policy which will be used in the school system, or imposed in the school system here in the city of Boston.

Mr. Alexander. Is the job of a school committee person a full-time position, or is it a part-time position?

Mr. McDonough. Well, originally it was intended as a part-time, perhaps one evening a week position, or even perhaps less. As it has turned out, it has become an all-time, all-consuming job, and it will take as much time as one is willing to put into it.

Mr. Alexander. Are the members of the school committee elected by district or elected at large?

Mr. McDonough. They are elected at large. There are five members of the school committee.

Mr. Alexander. Does the school committee have responsibility for any financial decisions made in the school department, or is some of that authority delegated? Please specify.

Mr. McDonough. Well, they have the financial responsibility subject to an override by the mayor on certain funds which are over and above those which were expended in the previous year. There is a computated formula as part of the general laws of the Commonwealth that direct how it is to be appropriated.

Mr. Alexander. With respect to personnel hiring, to what extent does the school committee become involved in personnel hirings, and to what extent is that delegated out?

Mr. McDonough. Well, it is the complete responsibility of the school committee. It is not delegated out. The superintendent nominates at least the academic personnel and the school committee either approves or disapproves his selection.

Mr. Alexander. That would be true for individual teachers and individual schools?

Mr. McDonough. That is correct.

Mr. Alexander. In relation to physical plants, does the school committee make the decisions on repairs of particular schools or is that a responsibility of the superintendent?

Mr. McDonough. No, we have a department of planning and engineering, and they are responsible for the upkeep of the schools. We also have here in the city of Boston, a public facilities department, which is the municipal arm which builds, directs to be built, all the municipal buildings, including schools here in the city of Boston.

Mr. Alexander. What was the school committee's responsibility under the Phase I order?

Mr. McDonough. Well, it was to implement the order that was set down by Judge Garrity.

Mr. Alexander. At what point in time did you feel that that order became final—became a final order to you?

Mr. McDonough. As soon as he passed it down.

Mr. Alexander. In June?

Mr. McDonough. Yes.

Mr. Alexander. What types of funds or personnel was provided to the school department to implement that order in June? In addition to normal operations?

Mr. McDonough. The superintendent is in charge of implementing Judge Garrity's order. Everything that the superintendent asked for in terms of personnel or funds was given to him by the Boston School Committee.

Mr. Alexander. Was there—I understand there was a specific delegation to the school superintendent the authority to implement Phase I, is that correct?

Mr. McDonough. That is correct.

Mr. Alexander. Is that delegation to the position of school superintendent still in effect?

Mr. McDonough. Yes, it is.

Mr. Alexander. Will that be the person with responsibility for Phase II also?

Mr. McDonough. Ultimately it will, because he selects lesser officers in the school department and gives them specific assignments.

Mr. Alexander. Is there to be a coordinator for Phase II?

Mr. McDonough. Yes. He has directed the members of the educational planning center, together with a member of his staff and an administrative assistant, one Edward Lambert, to handle these affairs.

Mr. Alexander. The Commission has heard over the past several days a number of generalized allegations that the school committee did not effectively carry out its responsibilities in relation to Phase I. Would you like to respond to that?

Mr. McDonough. Well, as you say, they are generalized. One can make those statements. If you don't have specifics then I don't think it is worthy of answering.

Mr. Alexander. Okay. That support personnel were not available until August to provide for program costs in the school system.

Mr. McDonough. Rephrase it or restate it. Whatever the superintendent of schools wanted in terms of implementing Judge Garrity's plan, the Boston School Committee gave it to him.

Mr. Alexander. Were there any specific requests for additional funds in June to bring back teachers and administrators under the nonpaid period?

Mr. McDonough. Not—I can't specifically recall. As I said, the superintendent had the responsibility and, as far as I know, he carried it out.

Mr. Alexander. Mr. Kerrigan, would you like to respond to that initial question concerning the feeling of many that the school committee did not effectively carry out Phase I?

Mr. Kerrigan. Well, that is part of the conspiracy. That is part of the conspiracy because there is a conspiracy to make certain that blacks and poor people are confined to the city of Boston. Now channel 7 put Rabbi Gittelsohn right out there saying if the Boston School Committee didn't play politics, everything would be fine. But Rabbi Gittelsohn didn't tell you something that could be documented. In the last 6 or 7 years, 15,000 Jewish families left the Mattapan section of the city of Boston, and believe me, they didn't leave it because of the Boston School Committee. They left it to get away from the "schwartzes."

This is the kind of conspiracy that we are up against. There is a media conspiracy. We all know about Kurt—that can be documented, gentlemen.

COMMISSIONER HORN. Excuse me, Counsel. I didn't hear one phrase. It was get away from what?

MR. KERRIGAN. The "schwartzes."

COMMISSIONER HORN. Could you explain that to only a half-Irish boy?

MR. KERRIGAN. Well, from a half-Irish boy, "schwartzes" is a Hebrew word for "black."

COMMISSIONER HORN. All right.

COMMISSIONER SALTZMAN. It is not a Hebrew word.

MR. KERRIGAN. Well, a Jewish word for black. I think I said it for Rabbi Gittelsohn's benefit. But this can be documented. You see, if you make these grand statements that the Boston School Committee plays politics, and therefore that is the reason for the trouble, well, there is racial problems in every major city where there is forced busing, and I have had very little to do with any of the other major cities.

So the point that I want to make, you can document that fact, gentlemen. And you can document, gentlemen, that of the 50,000 black students who go to school in the greater Boston area, 98 percent of them go to school in Boston. You can document that, too.

So part of the conspiracy, and it is led by the news media, and in particular, Robert Healy whom you have summoned, and I hope you have the courage to get up here before you, who is perhaps the most devious person in this city, wants very much to keep the problems of the poor and black in Boston and keep his affluent, lily-white community of Scituate lily-white. Because you see, if you move for low-income housing in Scituate, they don't want it down there because it will pollute the situation. Ecology reasons. But it is the Boston School Committee's fault when they are required to educate a great majority of black students. They don't tell you how our nonwhite student population has risen over 100 percent in 10 years, and how their nonwhite student population has gone down. And if you want to believe that conspiracy, go right ahead.

MR. ALEXANDER. Ms. Sullivan?

MS. SULLIVAN. I think that your question about whether or not the—it didn't come down until August when we assigned tutors and so forth.

MR. ALEXANDER. Yes, ma'am.

MS. SULLIVAN. Well, I think that one of the basic problems to the entire desegregation of the school system has been Judge Garrity's timing. See, you know, you can say you didn't make the assignments until August, but the ruling did not come down until June 21, and the final plan was not determined until the first week of August.

Mr. Alexander. Were you not under a State court order as of December 1973, however?

Ms. Sullivan. We were, but the political feeling in the city was that the State plan—because Governor Sargent came out with another plan, and—was that the State plan would not go forward. So although the school committee had been following the rules of the—whatever it is—timetable of the State plan, the feeling was that it actually would not go into effect. And when Judge Garrity said in court, the week after he had come down with his findings, that he had not read the State plan until the night before, that caused a certain kind of antagonism in the city that was not one that the school committee was directly responsible for.

Mr. Alexander. As a person with experience in teaching, have you seen this past year at all as presenting any opportunities to focus in on problems of quality education in the city?

Ms. Sullivan. I think that the emphasis in the Federal court, and I have been at most of the hearings through the past year, as well as I have visited approximately 100 schools the past year, and what I have seen in both is that in the intermediate schools there has been a focus on education. In the Federal courts there has been a focus on numbers, period. And that the problem of enrollment that I heard you discussing earlier this morning is the most serious problem that I think we have to face.

Now, I imagine that you have received the enrollment figures. The average daily attendance is between 58,000 and 60,000 students. When you look at the fact that last year at this time there were 93,000 students in the student body, and now there are 82,000 and the majority of those children, with the exception of, I think 400 or 500, are white students who have left the system, I think that, you know, we are talking about something—if the objective is to improve education and desegregate the school system, the timing and the way that it is being done really seems to be going in the opposite direction.

Now, on the enrollment problem. We have 58,000 to 60,000 children in school. The schools that I have been visiting, including South Boston—and incidentally, the school committee has tried to get South Boston High School cleaned up and straightened out. And there are certain problems with—that are not—now I mean, what are we supposed to do, go in and clean the school ourselves? We have been pushing, pushing, pushing to get South Boston High School cleaned up.

There are many other schools in the system which were not as clean last year as they are this year. So that is just a little side thing. But when you have five or six students in school such as you did at Roxbury High School, and at South Boston High School last year, then I think that you have to say that the thing is a failure.

Mr. Alexander. In those particular settings?

Ms. Sullivan. In those particular settings. At Roslindale High School, at Brighton High School it was, it seemed to be fairly successful. I have been attending their graduations. Every class president got up and said that they had learned to live together and so forth. So when you are talking about the poorest parts of the city, uh uh.

Mr. Alexander. You mentioned that you also considered the fact that 20,000 students, approximately, were out of school, as one of the most serious problems to develop during Phase I.

Ms. Sullivan. Sure.

Mr. Alexander. Have you, as an individual member of the committee, or has the committee as a whole, taken a position on students being out of school during Phase I? A public policy statement of any sort?

Ms. Sullivan. I think that we were under a State mandate last October and November to get the census figures in and to prosecute those who weren't going to school. You know, my feeling about that is that people weren't going to school because they were afraid to go to school. And a lot of parents have said to me that, with Phase II, if Garrity had accepted the masters' plan which he should have done in April, the timing is way off, if he had accepted the masters' plan in April and put it into effect so that people would have some sense about what they were going to do, that we would have been better off. But since he didn't, people in South Boston and Charlestown are saying they will not send their children to school next year either.

Mr. Alexander. In relation to the masters' plan, did not the school committee, through the testimony of Mr. Coakley, produce data that was critical of the data base used by the masters in developing their plan? Now I know you say you attended most of these meetings.

Ms. Sullivan. The feeling about the masters' plan though, was that even though it had some flaws, that in terms of its focus, its focus was on education, and the timing—the timetable that the masters' plan had for working out some of the magnet programs which had been suggested by the school committee in the December 16 and January 27 plan, and if he had taken the January 27 plan and put that into effect, you would have had 6 months to come up with some magnets. People at the school department are scrambling around now trying to come up with something.

You know, it is not just that you have five politicians on the school committee who are against busing. You might—you know, there is something else involved that, in terms of timing, you don't have the time to provide for children what they need.

Mr. Alexander. Now the defects in the masters' plan you were referring to, were they defects in the data base relating to the numbers of students and which students were black and which students were white?

Ms. Sullivan. To be honest with you, I felt that the masters' plan was more realistic in terms of the data. They were using 60,000 students. Our average daily attendance since last January has been between 58,000 and 60,000 a day. So for them to use those figures was—you know, you can understand why they would do so.

On the other hand, the feeling of some of the people at the planning center was that if the masters' plan, instead of this other thing that is going into effect, if the masters' plan had gone into effect, then many children who have dropped out of school this year, would come back, which would change the enrollment figures, so it might bring it up to 70,000.

MR. ALEXANDER. I take it though that you support the concept of magnet schools? You said that you—

Ms. SULLIVAN. The school committee, the entire school committee supported the—

MR. ALEXANDER. Is that true, Mr. McDonough, Chairman McDonough?

MR. MCDONOUGH. Yes, it is. In—let's see, I believe it was November of last year, we sent a delegation out to Milwaukee and it contained two members of the—was composed of two members of the school committee along with members of the superintendent's staff. They have a program out there which they rely heavily on magnet-type schools in their desegregation efforts, and they were—the people who went out there were greatly impressed by it. They came back and they showed the rest of the committee, or explained it to us, and we adopted it as part of both plans that went down to Judge Garrity's court, including the unauthorized plan of December 16.

MR. ALEXANDER. Would it be correct to say that it would now be the position of the school committee that it would do all in its authority to fully and effectively implement Phase II?

MR. MCDONOUGH. I think it would be more realistic to say that the majority, at least, of the school committee, will do what Judge Garrity directs them to do. They will not take this plan in their arms as theirs.

For my part, I will not go any further than doing what Judge Garrity directly orders me to do. And I will not end up as a salesman for a plan which I do not believe in.

MR. ALEXANDER. Mr. Kerrigan?

MR. KERRIGAN. Judge Garrity's forced busing plan will make Boston another Detroit. If there was something that I could do to stop it, I would.

MR. ALEXANDER. What do you think that—

MR. KERRIGAN. There is nothing that I can do to stop it.

MR. ALEXANDER. I know that you are a lawyer, Mr. Kerrigan. In the framework of the legal process, are there any options currently open?

MR. KERRIGAN. Well, the Supreme Court, in its normal lack of courage, has refused to hear our case. We are starting—I hope, as an elected representative of the people of Boston, that before this hearing is over, you allow me to show you some real violations of civil rights, not the conspiracy-type things of the Gittlemans and the Healeys, but some facts. Hopefully we can get the Supreme Court to start looking at some reverse discrimination because there is an awful lot of DeFunisism in Boston.

Mr. Alexander. But in relation to the specific case we are referring to, that is the law of the land today?

Mr. Kerrigan. It would appear that we have exhausted some of our legal remedies. I think we still have—at least on the implementation process--some appeals. My instruction, and of course I am only one vote, [is] to appeal every word that comes out of Garrity's mouth. So hopefully, somewhere along the line, we can get some relief, because this order is just a destruction of the city. Because what you are going to do, gentlemen—my daughter was a public school student. She no longer is, because I have the means to put her in a private school. But the poor people don't. And if you are busing black project kids, and that is where the poor people live, where the housing projects are. See, the housing projects aren't out in Scituate, or they aren't out in Marblehead, or they aren't out in Wellesley. They are in the city of Boston. And that is where the poor people and the black people, according to our rights, are forced to live.

We have got two famous liberal senators, and I am sure you have both heard of them: Kennedy and Brooke. We have had—we have been fortunate enough to have Kennedy since 1962, and we have been also unfortunate enough to have Brooke since 1966.

Now they have got a real great liberal representation, but according to statistics, next to Detroit, Michigan, we have the lowest ratio of nonwhites living outside the greater Boston area because these people are so interested in their national image, they care more about the Fukowi Indians out in Arizona than they do about the people of Boston and the problems in our State. And this is what we are up against.

Mr. Alexander. The implementation plan that you are referring to that you say your vote is to appeal every word, this was recently upheld by the court of appeals 2 days ago, is that correct?

Mr. Kerrigan. Yes.

Mr. Alexander. So your appeal on that now could be to the Supreme Court?

Mr. Kerrigan. Precisely. And there will be other orders that will come through that we will consider appealable, and they will be—

Mr. Alexander. Is it your position that you will vote to appeal any order in this case?

Mr. Kerrigan. Any order that I feel destroys the city. Hopefully, some good judgment will return to the court and I will reverse that thinking. But, as of now, the orders that are coming out should be appealed.

Mr. Alexander. Mr. Glick?

Mr. Glick. Ms. Sullivan, we heard earlier this week from the headmaster at Boston that orders are placed in for repairs, painting, various maintenance work, and upbuilding the South Boston High School. And the response was that the orders are placed and nothing happens. And we have heard the superintendent-designate say that there isn't money available. Money is tight and the work can't be done because of that.

And this morning you indicated that the school committee can't just order repairs and maintenance to be done in South Boston and get it done. I am wondering whether there is ever any possibility that anything will be done at South Boston High School.

Ms. SULLIVAN. Well one of the particular problems at South Boston, if we want to get—you know—was that the building itself is so old, that the bricks needed to have filling put into them or something like that, and there was no person in Boston who was willing to get up on the bricks during the year to get the inside fixed so that the water wouldn't be leaking into the building.

As a result, they didn't want to paint the inside of the building because the water is leaking in, and they want to get the thing—I forget what the expression is—pointed, it had to be pointed before they paint the inside. And there was not a pointer contractor in the city of Boston who felt that he or she wanted to get up on the ladders in South Boston this year to point the building. That was what the specific problem was.

The other side of it is that with the court order—last year it was the State plan—you had some intermediate schools become elementary schools. This year, you know, when this came down on May 10, we have some of the schools that were made elementary schools last year, being made middle schools this year. So I think that Mr. Galliata said last week that it was going to cost $1.2 million to be moving furniture all over the city, back and forth; some of it which was moved before. And, you know, once again you say, well, there is something else going on here besides those characters. And that is that the changes that are necessary involve a great deal of work from a great number of people.

One of the other problems on the thing—I don't want to harp too much on enrollment—but one of the other problems that Mr. Kerrigan alluded to is the problem of where the leadership in the city is sending their children to school.

Several months ago I tried to get a piece of legislation passed in which the suburbs would open 10 percent of their seats to inner-city children. The bill went down to a resounding defeat. At the time of the hearing, some of the blacks in the audience said that most of it was a creaming kind of a process with METCO, that 2,400 of the top black students would be going out of the city. And one of the people in METCO said, "Well, no, that is not true, the top black students are in private schools." And then the middle-class blacks and some of the poorer blacks are involved in METCO.

But the problem is that you have, from the top leadership of the city on down, black and white, their children are either in METCO or in private schools or in parochial schools. And if I were in the same—if I had children myself, you know, I don't think that—I am just not sure what I would do.

But I think that what the problem is, is that you have middle-class people, black and white, who are opposed to what is happening because they are afraid, because of the atmosphere of not knowing, you know, that at the end of June that none of the children in the city know where they are going to be next year, and that that lack of knowledge of where you are going to go, is creating a situation which I have a great deal of concern is going to be an extremely inflammatory one.

Mr. Glick. Do you think, Ms. Sullivan, following that line, that after things are filtered down, after a couple of years when Phase II has been in effect, that these middle-class people will know where their children will go to school the following year; let us say, 1978, and will return their children to public schools? Is there any hope that the schools of Boston will attract the middle-class families who can afford to send their children—

Ms. Sullivan. That was—you know, that was why, on the timing of the thing, if Judge Garrity had said, let the magnet schools develop next year, and you know, have something to offer to people, then I think something might have happened.

But I think that, if you have anything like what happened last fall in this city, happen in any other place in the city, or at South Boston High School—Wednesday I was at a track meet and a woman who was very dedicated to desegregating the school system and so forth, said to me that if she—she teaches at South Boston High School, and she said she would not send a child to that high school because she is scared. And I—you know, I think that with that kind of fear in this city, that to be talking in this room or at the Federal court is just not where the action is or the reality is of the situation. That people who are earning 8- or 9- or $10,000 a year are scraping together the money to send their children to parochial school. And that is—you know, that is our problem.

And when you have the leadership of the parochial school system saying that things are going to remain status quo, then there is no other—and people feel that there is no other out for them, it is the only way that their children are going to get what they want for them educationally, then I say desegregation is a failure.

Mr. Kerrigan. Could I comment on that, please?

Mr. Alexander. Yes.

Mr. Kerrigan. The question that I ask the Commission, would you send your child to a school where she could be physically hurt if you had the means not to?

Commissioner Horn. Can I respond as one Commissioner who has children in the public schools? Number one, as an educator, there are few schools in urban American today, including all-white schools, where there isn't the likelihood that some violence would occur. And violence isn't new to South Boston; 60 or 100 years ago, as it isn't new to the northeast end of Washington where my Irish forebearers grew up, or to New York City where they had the draft riots in the Civil War. So much for violence in urban America. It is a phenomena that is as ancient as the Revolution.

Now, I had a daughter in Washington, D.C., and lived in Washington, D.C., who went to the only integrated school in Washington, which was two-thirds black, Gordon Junior High School. And when we moved to Long Beach, California, went to the only high school there that is integrated, which is roughly 60 percent black and minority. And sure, in those schools, as well as in her previous all-white schools, there are students that break into fistfights, etc. But it isn't a one-way street. I find with some children it is a two-way street, be it poor, middle class, rich, or whatnot. I think the problem comes, in terms of the implementation of the courts and the law, and we will get into this in questions later, that it is a question of the leadership of the community in assuring public safety and not preying on the fears of people and encouraging them, that is going to solve the problem.

MR. KERRIGAN. Well, your answer is yes, you would send your child to a school?

COMMISSIONER HORN. The answer is, I have.

MR. KERRIGAN. Right. I can understand why you are on the Commission.

CHAIRMAN FLEMMING. Does Counsel have further questions?

MR. ALEXANDER. I have several questions for Chairman McDonough, and then that is all.

CHAIRMAN FLEMMING. Okay.

MR. ALEXANDER. Chairman McDonough, in relation to the financial resources that have been expended specifically in relation to the desegregation order, could you tell us, in your view, what the busing costs have been, the pupil transportation costs?

MR. MCDONOUGH. Well, I think roughly it is $250,000 a month we have expended, I believe, in the nature of—in the area of some $11 million because this is not—doesn't include the cost of policemen, protection, and other ancillary costs.

MR. ALEXANDER. I am just referring to—how much of this is reimbursable by the State?

MR. MCDONOUGH. Well, there is a good question on that. When we started on this great experiment, Judge Garrity said, "Go ahead, expend whatever funds you have." And the funds we had were funds that had been appropriated for general school purposes. He says, "We will straighten it out later." Well, we have been pressing him now for 6 months to tell us where this money is coming from, is going to come from.

At the same time we had Governor Dukakis, who said that the State would pick up the cost. And apparently he said that there was some confusion on that, that he would do all he could to have the State pick up the cost.

And then, I believe it was Senator Kelly, who is chairman of ways and means, said, as far as he was concerned, there is no way that they were going to vote to have the State pick up the cost of desegregation in the city.

Meanwhile, we heard that HEW, with Secretary Caspar Weinberger, they were telling us that they were going to come up with all kinds of funds to implement the desegregation order. They did come in with $1.9 million, and then the Secretary was in town about 2 months ago, and he said that was about the end of it as far as the Feds were concerned—that they were putting less emphasis now on busing. And where the money is coming from, we don't know. I believe it is going to come out of the very people who are going to be bused, are going to be paying to have their kids bused, even though they don't want them.

MR. ALEXANDER. In relation to the numbers—the amount of money that you just stated, of the students being transported to school this year, specifically how many of those are in direct relation to desegregation? There has been pupil transportation in Boston for quite a number of years, I understand.

MR. MCDONOUGH. Yes, there has been transportation in the city if there is a question of overcrowding, or, in many cases, what they are pointing out is we have had a tradition in the city, and particularly in the high school or junior high school, that the children used so-called car chits, which are inexpensive chits, on the subway and on the—

MR. ALEXANDER. Well, for example, how many buses were chartered this year?

MR. MCDONOUGH. Specifically, I don't know.

I would think that we ran up in the nature of 15-, 16,000 people we are busing because of desegregation and Phase I.

MR. ALEXANDER. Well, could you provide for the record the number of buses chartered in the 1972–73 years?

MR. MCDONOUGH. I have no way of knowing that. That is a matter—

MR. ALEXANDER. Who would have that?

MR. MCDONOUGH. Well, the business manager, or someone from the superintendent's office.

MR. ALEXANDER. Could you direct them to obtain that for us?

MR. MCDONOUGH. Yes. I think the man you want is John DeGrand—LeGrand and he is the one who handles all these figures.

MR. ALEXANDER. Could you direct that that information be obtained, the number of buses chartered in the '72–73 years, '73–74 years, and this past year, and the number of pupils transported in each of those years?

MR. MCDONOUGH. I will.

MR. ALEXANDER. I have no further questions, Mr. Chairman.

CHAIRMAN FLEMMING. Mr. Donough, you will—

MR. MCDONOUGH. You will have to do better with that name, Mr. Flemming.

CHAIRMAN FLEMMING. Wait a minute. I am sorry.

MR. MCDONOUGH. McDonough.

Chairman Flemming. McDonough. All right. The court handed down its memorandum decision on Phase II on June the 5th, as I recall. Is that correct?

Mr. McDonough. I think it is the 6th.

Chairman Flemming. Okay. Since then, has the school committee received any recommendations from the superintendent relative to steps to be taken to implement the memorandum decision, memorandum of decision?

Mr. McDonough. Well, as far as—he has directed the educational planning center to come up with the assignments. That is what they are working on now. As far as the mechanics of letting out contracts for buses and monitors, teacher aides, we went through that last year and that is not that pressing. He is quite on top of those aspects of it. The troublesome thing here is the magnet schools we are supposed to be offering people next September; they are not going to be ready. And further, we were advised by our chief structural engineer the changes that are going to have to be made in certain of our schools to comply with the desegregation order. Approximately, only 40 percent of those will be finished by September. These are—in that area, that is where your major problems are going to be.

Chairman Flemming. Well, what I was interested at this point in is whether or not the superintendent has made any specific recommendations to the school committee related to the implementation of Phase II either in the way of funds or in the way of policy?

Mr. McDonough. Well, anything that he brings before the committee—and we have been in this desegregation process now for—since last September. It is a continuing thing. So each meeting, there may be changes in personnel he wants to assign, reassign people; he may want to expend funds in the direction for overtime, for planning to meet some court order. These are continually being brought before the committee and we are passing on them.

I don't see—if you are asking, does he have some all-inclusive, all-encompassing plan that he drops on us, no, it is a step-by-step thing.

Chairman Flemming. That is what I was getting at. For example, you indicated that he has made some recommendations relative to payment of overtime, for example—

Mr. McDonough. He has.

Chairman Flemming. —since June 5. Has he made any recommendation to the school committee for payment of salaries to administrators and to teachers for services rendered during the summer in preparation for Phase II?

Mr. McDonough. Well, I don't think we have a specific recommendation before us on that. There is a policy question that the board was considering, and that is in what way would we handle the question of overtime? Would it be in terms of putting it in the personnel's record, or would it be in terms of paying them money? I think the tendency seems to be, as far as the school personnel, they would like to see it in cash.

Chairman Flemming. Well now, as I recall it, going back to Phase I, he did make a recommendation to you on that, which you, as a committee, accepted and implemented. Am I correct in that understanding?

Mr. McDonough. Yes.

Chairman Flemming. As I understand it, the funds were made available in August for this purpose. Was the fact that they were not made available until then related to the timing of his recommendation, or related to the availability of funds?

Mr. McDonough. Not to the availability of funds, because Judge Garrity just told us to spend the funds that we had and we were just approximately a few months into that fiscal year. So it wasn't a question of funds.

I think it was a question of trying to find out, how do you handle this situation. I know that he made some extensive trips to other cities that had desegregation plans into effect, and much of what he proposed to us came from them. He—it wasn't a—it was a question of, what would be the right step? What do we do? This would be a new thing to us.

Chairman Flemming. Well, I gather then from our dialogue that if the superintendent does recommend the expenditure of funds so that administrators and faculty can be paid for services during the summer, in all probability such a request would be granted. Is that—

Mr. McDonough. There is no question about it. Specifically, he asked for funds, extra funds, overtime payments for the educational planning center, and the committee, you know, immediately gave him the authority to expend whatever he thought he had to do.

Most recently, under appointment, Edward Lampert in the EPC was given authority by the school committee to do whatever he had to do in terms of personnel, to implement the assignment process of the desegregation order.

Chairman Flemming. On the assignment process, do you, as a committee, have any information as to the number of parents that filled out the assignment forms, which as I understand it, are now being processed?

Mr. McDonough. The figure that I heard was not official, something like 62,000 to 65,000. Three years ago we had 93,000 students in the system and this year we dropped 10,000—roughly, between 8,000 and 10,000. Next year we figure we are going to drop another 10, and I would not be surprised to see it get down to 60,000 next year.

Chairman Flemming. But the 62,000 to 65,000 compared with what figure on attendance during the past school year?

Mr. McDonough. Well, supposedly—and they figure attendance on the amount of pupils we have in the system. If a child came to school one day, he was considered to be a pupil of the system. So I guess they had a figure of perhaps, some 82,000, roughly in that area.

Chairman Flemming. For the last school year?

Mr. McDonough. Right.

Chairman Flemming. And what is your understanding as to what average attendance was? Let's say, oh, during the last month or two of the school year?

Mr. McDonough. Oh, I would estimate it would be around, between 65,000 and 70,000, something like that.

Chairman Flemming. So that the number of assignment forms that have been filed compares roughly to the average attendance at the end of the school year?

Mr. McDonough. I would say, roughly, I think that is correct. Of course, we don't know if the parents are going to, in fact, send their kids. It is just they are reserving an airline ticket, roughly, the position they are in.

Chairman Flemming. All right. Commissioner Saltzman?

Commissioner Saltzman. Mr. Chairman, the movement to the suburbs referred to in Mr. Kerrigan's remarks is a complex phenomenon involving the middle class rather than any single religious or racial segment of a city. That movement was initiated long before desegregation efforts came into being.

I believe Mr. Kerrigan's statements have had a slurring and divisive impact and I would not like to give a further platform to such inflammatory and defamatory comments against individuals or groups in this city. And I will, therefore, refrain from making any further comments or questions.

Mr. Kerrigan. Mr. Chairman?

Chairman Flemming. Yes?

Mr. Kerrigan. I feel that I have been personally attacked. And it is very, very good, and it is fine, and I am sure that Rabbi Saltzman patted Rabbi Gittelsohn on the back when he got on his platform and said, "If it wasn't for the Boston School Committee"—and sir, I am a member of the Boston School Committee—"everything would be wonderful." Fifteen thousand Jewish families have left this city. So don't tell me it is a phenomenon. It is a fact.

And if that is being anti-Semitic, stating facts, that is what is wrong with this country. You don't want to give me a platform. I want this platform because this gentleman here just talked about Washington, D.C., in a movement to go for the press. But he didn't tell us what happened when forced busing occurred in Washington, D.C., and how it became an entirely black school system, did he?

And this is what I want to bring out before you. I don't want to see this happen in Boston. And it is going to happen in Boston as long as people like you, and as long as people like Rabbi Gittelsohn, can point to me and say I am the fault, and to duck the real issue when the real issue is those that can escape, escape, and they leave the poor and the black in this city. And it has happened in Detroit, and it happened where Mr. Horn lives, and it has happened in Chicago, and it has happened in Los Angeles, and it has happened in Hartford, Connecticut, and it happened in Inglewood, California, and I don't want to see it happen here. I'm sorry.

CHAIRMAN FLEMMING. Okay. Both points of view, it seems to me, are on the record. Commissioner Rankin?

COMMISSIONER RANKIN. Mr. McDonough, we have listened to criticism of the school board, could you tell me the plus marks that the board deserves?

MR. MCDONOUGH. Well, I think the board has been true to the mandate of the people here in the city of Boston. Whether you like it or not, the main issue here in recent years, since the racial imbalance law went into effect in 1965, has been in the area of racial balancing, and the only way it could be brought about, by forced busing.

The school committee, or the majority of the school committee, told the people of the city that their position was opposed to busing. When it got down to the crunch, the majority of the school committee lived up to their promises to the people. And when you can find politicians in the United States who live up to the promises they make to the people, I think they deserve some credit for that. And I think this is probably the finest thing that we have done, is that we have listened to the people, and at possible expense to our own lives, careers, we carried out their wishes.

COMMISSIONER RANKIN. You have the responsibility of reconciling the wills of people to the law of the land, is that right?

MR. MCDONOUGH. There is no question about that.

COMMISSIONER RANKIN. And that is a difficult job, isn't it, sometimes?

MR. MCDONOUGH. It certainly is. We are finding out just how difficult it is.

COMMISSIONER RANKIN. Which side do you lean to, one or the other?

MR. MCDONOUGH. Well, let's put it this way, I'm with the people. I think the ultimate honesty, integrity, and decency is in the people. And I am going to stay with them.

COMMISSIONER RANKIN. But there is a proper way for the people to change, isn't there?

MR. MCDONOUGH. They are doing it.

COMMISSIONER RANKIN. Can I ask one other question? Down south where I live, we have our troubles. We had flights to the suburbs, we had—we had all these problems, 10, 12, 14 years ago. Why is it so late coming up here?

MR. MCDONOUGH. Well, let's put it this way: You are talking about two different things. You are talking about the South of—

COMMISSIONER RANKIN. We had to bus down there, too.

MR. MCDONOUGH. Yes, now you have a bus down there. But you had all-black schools down there, and you had all-white schools, and you had laws down there which said that a black kid can't go to a white school, and vice versa. But that never happened here. When we had a survey done here, as far as the Boston schools, there were approximately 200 of them—this was perhaps 8 years ago. It indicated that each one of the schools with the exception, perhaps, of 2 out of that 200, had some element of a black child in it. And we also—the law here was open enrollment. A black kid could go into any school in the city of Boston at any time. That is entirely different to what you had down south, Mr. Rankin.

Commissioner Rankin. Well, I won't—thank you.

Chairman Flemming. Commissioner Horn?

Commissioner Horn. Chairman McDonough, does the Boston School Committee establish the personnel policies for the Boston school system, or does the State of Massachusetts establish them?

Mr. McDonough. In terms of qualifications?

Commissioner Horn. I am thinking about general personnel on recruitment, promotion, retention tenure.

Mr. McDonough. No, that is local.

Commissioner Horn. So you have the decisionmaking power there?

Mr. McDonough. Yes.

Commissioner Horn. In your responsibility to oversee the efficiency and effectiveness of the Boston schools, have you ever investigated the efficiency and the effectiveness of your school attendance, or truant officers?

Mr. McDonough. As I understand it, perhaps the most unpopular group as far as the newspapers and the budget cutters in the city of Boston was our attendance officers. This was before the desegregation order of last September.

Now I find that the press, the liberal elements, they are all more—they are interested in our attendance officers now, they want to know what they are doing: "Are they running up and down the steps of houses trying to force kids back into our schools?" Of course we examine them and we keep an attentive eye on them.

Commissioner Horn. How are attendance officers selected in the Boston school system? Is this a merit appointment, or is it patronage?

Mr. McDonough. It is not patronage. It comes off of a civil service State examination, and the top names on the list are appointed from that.

Commissioner Horn. A State examination?

Mr. McDonough. Yes.

Commissioner Horn. Not your own?

Mr. McDonough. No.

Commissioner Horn. How does the State examine these individuals when you are setting the personnel policies for the system?

Mr. McDonough. Well, they set up the examination and people throughout the State take the examination. I suppose if you wanted to be an attendance officer in Amesbury, Massachusetts, if they had such creatures up there, you would get it off of a list such as this.

Commissioner Horn. But basically, the Boston School Committee and system are setting the criteria by which one serves as a school attendance officer, I assume? The State is merely carrying out the examining process?

Mr. McDonough. Perhaps that is true. Once you have seen one attendance officer, you know, they don't vary that much, I imagine, in requirements.

Commissioner Horn. Have you ever recommended individuals for the position of the school attendance officer?

Mr. McDonough. In no way could I. They come off of a list. If a man's name isn't on the top of that list, he isn't appointed.

Commissioner Horn. Have you ever attempted to influence the appointment of a school attendance officer?

Mr. McDonough. No, never have.

Commissioner Horn. Mr. Kerrigan, on the same question?

Mr. Kerrigan. It seems rather difficult to get the point over to you. To become a supervisor of attendance in the city of Boston, you have to take a civil service exam. To my knowledge, and I have been fortunate enough to be selected by the people of Boston, the people who have been appointed supervisors of attendance, have come off the list in the order of grade they have scored.

I, in the 8 years that I have been there—and we haven't put too many supervisors of attendance on, because I think they are like the—they are the crutch that the conspirators in our society use. It is either the school committee's fault, or the supervisor of attendance's fault.

So what I am trying to say is, that they have come off the list in the order of the mark that they attained.

Commissioner Horn. In other words, can they—they have come off with the highest grade on the list getting the appointment?

Mr. Kerrigan. Yes.

Commissioner Horn. You don't have a rule of three, as in the Federal civil service, do you, where you can pick any of the top three?

Mr. Kerrigan. We probably do. To my knowledge, we have never jumped anyone. To my knowledge, we have never jumped anyone on the civil service exam—I'm sorry, on the supervisor of attendance exam.

Commissioner Horn. Chairman McDonough?

Mr. McDonough. Yes. For all civil service examinations here in Massachusetts you can make a selection from the top three.

Commissioner Horn. Ms. Sullivan, have you ever recommended a particular appointment, or tried to influence one of a school attendance officer?

Ms. Sullivan. I have—I tried to influence it last year in making the suggestion that the—where every school department in the State is required to have one attendance officer. I suggested that it was—that the attendance could be taken—attendance officers—we could set up a different kind of procedure. Instead of paying one man $19,000, we could have three or four community aides doing the same kind of job.

The school committee made a policy last year, before Garrity's ruling came down, that we would not hire any additional attendance officers, because I think the attendance department budget is around $1 million.

But with the desegregation problems last fall, a Spanish man was hired, a Spanish-speaking man. I had nothing to do with that appointment.

I would like to respond to something that you said earlier, Mr. Horn. When I first taught, I taught in Harlem for 3 years, and I chose to teach there because I thought I was a good teacher, and that black children deserve to get a good education.

I support desegregation, and I think it should be done in Boston and in New York and in Washington as well. But in terms of really offering options and the best to children, I don't see that Garrity's ruling is doing that, and I think the Civil Rights Commission of the United States should really be pushing for metropolitan and suburban involvement in any desegregation effort. And if that is—you know, if that is where your power could be placed, in involving suburban school systems in the whole process, then I think that we would all be a lot better off.

COMMISSIONER HORN. Well, Ms. Sullivan, I don't think you have any disagreement with this Commission on that. We have held hearings on the Detroit decision and the ramifications, and our statements both now and in the future, I think will be fairly clear on that subject.

Let me pursue a minute, Mr. Chairman, to get this attendance officer situation properly in the record, I would like the school committee to deliver to the Commission as an exhibit, the criteria requirement, job description for that position; the names of the individuals, when they were appointed, what their score was on the civil service list at the time of appointment, was there anybody ahead of them at that time, etc.

And I want Counsel to pursue with counsel of the Boston School Committee to work it out so we have a full picture on this subject, which I hope is my last question. But when I see thousands of children out of school, and I see 36 attendance officers, not one of whom is black, functioning, I figure that must be the most inefficient bureaucracy among many inefficient bureaucracies that I have seen.

Mr. Chairman, could we get that in the record now as an exhibit?

CHAIRMAN FLEMMING. Without objection, our Counsel will work with the counsel for the committee to obtain that information, and then it will be inserted in the record at this point.

CHAIRMAN FLEMMING. Mr. McDonough, did you want to make a comment?

MR. MCDONOUGH. I just want to say that I, for one, am not going to be in a position of forcing children into schools when their parents or themselves, they believe that they are in danger. I think there is a safety factor. Until that is cleared up, I am not going to be in a position of forcing any child into what he considers—he or his parents considers a dangerous situation.

COMMISSIONER HORN. Well I don't know, Mr. Chairman McDonough, if you are the one to debate with, and I won't pursue it with you. I might pursue it with the Boston police and the State police. But it seems to me you as a school committee have a positive and affirmative duty to assure that the schools of this city are safe, and you can do that by keeping the parents from throwing bricks at buses where black children are on them.

MR. McDONOUGH. Mr. Horn, are you saying that I, personally—

COMMISSIONER HORN. I think the school committee has an affirmative, positive role here, to be—to assure that the public safety and peace is preserved. And I—

MR. McDONOUGH. Mr. Horn, if your thinking on this line is indicative of what you gentlemen are going to recommend in this whole area of desegregation—

COMMISSIONER HORN. I am just speaking as one Commissioner.

MR. McDONOUGH. Well, I think we are wasting our time even talking here.

MR. KERRIGAN. Can I have Mr. Horn, Mr. Chairman, I want him bad. I want him bad because he is what is destroying our society.

CHAIRMAN FLEMMING. I have not recognized you.

MR. KERRIGAN. I apologize.

CHAIRMAN FLEMMING. The purpose of this hearing is to put in the record all of the points of view that are playing a role in confronting this particular issue. The members of the Commission will carefully weigh the evidence and the points of view that are expressed and then we will arrive at findings and recommendations. Prior to that time, there is no position of the Commission. At that time there will be, and of course that will be made public.

COMMISSIONER HORN. Now, Ms. Sullivan, you said, "What are we supposed to do, go in and clean up the schools ourselves?" in reference to South Boston High School. We have heard testimony in previous days that requisitions come in from the schools over time, go to the central school office, and it is hard to know when they get processed. And what concerns me on South Boston is not that there is a problem on getting a contractor to go out there last year to fix the bricks, but the testimony before this Commission that the South Boston High School has been in a run-down condition, dilapidated for the last several years, long before desegregation. And as I said yesterday, or the day before in the hearing, it seemed to me the people of South Boston had been had, and it sort of shocks me when I look at the makeup of the school committee to wonder how generally all-white, Irish South Boston's high school was allowed to get into that condition long before desegregation. And, I just wondered, if you as a new member of the board, perhaps bringing a fresh approach to the board, have you thought or has the board examined how we get at the problems of responsiveness of the central school administration to the very real needs that exist in the high schools and elementary schools of this city?

Ms. SULLIVAN. In terms of South Boston, where I—when I ran for the school committee, I was critical of the attendance officers and the custodians. The attendance officers and the process that went through this year—and incidentally when you talk about inefficient bureaucracy, there are two heads of the attendance department—the process that went on in the schools this year was that every single day the teachers informed the principal—you know, it wasn't a monthly attendance thing, it was a daily attendance thing. And then the teacher was supposed to call the parents, which they were always supposed to do in previous years, anyway, they were supposed to call the parents and go to the—get in touch with the parents to find out why the students weren't there. And the attendance officers this year were really out there.

On the South Boston thing, the problem at South Boston High School is the custodial staff. And the—what Mr. Daugherty, who is the head of the custodians, has attempted to do—he has gone out, I have gone out there six or seven times and have been disgusted with the filth. He has been out there on two or three occasions. We have an archaic civil service system in which it is impossible to get rid of people who don't happen to do their job.

The other schools in South Boston, and the particular men who are working in those schools, are clean. There are some schools in Roxbury that are dirty, and there are other schools that are spotless. And I would say that one out of five schools in Boston from my visit of half of the schools in the city that you might have 10 out of 100 that have custodian problems, and they have them in South Boston High School. And the problem is, how do you deal with those particular men?

Mr. Daugherty has been over there, he has brought them up for a grievance. He has 80 men on a grievance list, and that is a civil service problem. My feeling is they should all be fired because they give everybody else a bad name. And he can't—you know, he can't do that.

COMMISSIONER HORN. Thank you, Ms. Sullivan. That is why I started with the question as to who has the responsibility for the personnel policies of the Boston school system. The board does. If you have got that problem, I would simply hope that the board would start to deal with it.

CHAIRMAN FLEMMING. Commissoner Freeman?

We want to thank you as members of the school committee for appearing before us and providing us with the testimony that you have. Thank you very much.

Mr. Kerrigan. Mr. Chairman, are you going to shut me off, or are you going to give me an opportunity to show you some real violations of civil rights in this city? I demand to be heard as the top vote-getter in the recent school committee election. I think that when you get capons like Horn on the board, we are not going to have much of a chance when he wouldn't even come to me. Capons is the word. Are you going to give me an opportunity, sir, to tell you some real violations of civil rights in this city, or are you going to shut me off?

Chairman Flemming. Let the Chairman state his own position and the position of the Commission on hearings of this kind. We call the witnesses in order to provide them with the opportunity of responding to questions from Counsel, and also questions from the members of the Commission. I feel that we have been very liberal in providing you with the opportunity of giving expression to your personal view on certain issues. The time set aside for this part of our hearing from the time you came until 12:30; that time has expired. If you desire to prepare a memorandum dealing with additional matters, we will be very happy to receive it for the record. It will be a public record, and we, of course, will obviously have no objection to your making it public, and it will become a part of our public record.

Mr. Kerrigan. But you don't want to hear publicly from an elected member of the school committee of the city of Boston about violations of peoples' civil rights in the city of Boston? That is your decision?

Chairman Flemming. I have indicated my decision, yes. Thank you.

Mr. Kerrigan. Well, I say, sir, that you and your board are an advertisement for elective officers.

Chairman Flemming. Okay. Thank you. Counsel will call the next witness.

Mr. Glick. Mr. Chairman, the next witness will be Mr. William White, who will present a summary of another one of the Commission staff papers.

Chairman Flemming. I will recognize Mr. White at this time.

Mr. White. Thank you, Mr. Chairman.

For purposes of the record, my name is William White, Assistant Staff Director for National Civil Rights Issues. The two Federal agencies with primary jurisdictions in school desegregation matters are the Department of Health, Education, and Welfare, specifically the Office for Civil Rights; and the Department of Justice, specifically the Civil Rights Division and the Community Relations Service.

HEW's Office for Civil Rights was the first Federal agency to enter the Boston case with extensive data gathering and investigation beginning in the spring of 1970. With its letter of November 30, 1971, the Office for Civil Rights began a series of efforts to obtain voluntary compliance with the Title VI requirements that no recipient of Federal funds discriminate on the basis of race, color, religion, or national origin. Negotiations with the school committee proved fruitless.

On June 2, 1972, HEW commenced Title VI compliance enforcement proceedings to terminate HEW funding to the Boston school system. All new Federal funds for which Boston applied were withheld from Boston.

Boston continued to receive funds under all ongoing federally-funded programs, such as Titles I and VII of the Elementary and Secondary Education Act of 1965.

On March 2, 1973, an administrative law judge found *de jure* segregation in Boston's public schools, which put the city in violation for Title VI. That ruling was sustained on appeal 1 year later.

The findings in the HEW proceedings were independent of but similar to those of the district court in *Morgan* v. *Hennigan*. Discrimination was found in feeder patterns, open enrollment, and controlled transfer policies of the Boston School Committee.

As a matter of policy, HEW withdrew from all administrative proceedings against the Boston school system once the Federal district court issued its finding in order of June 21, 1974. With the district court's final order on October 30, 1974, Boston also became eligible to receive Federal Emergency School Aid Act funds to aid school districts undergoing desegregation.

The Department of Justice, relying on the plaintiffs in *Morgan* v. *Hennigan* to vindicate the 14th amendment rights of Boston's minority school children, chose not to intervene in the case. Its first involvement in Boston's desegregation process came in January 1974 when its Community Relations Service offered its conciliatory services to local school authorities.

In August 1974 the court requested that CRS monitor Phase I implementation proceedings as an aid to the court. The court also requested CRS to continue its conciliation effort with all parties to the case. As a result, beginning in September 1974, the Community Relations Service often became directly involved with school discipline problems not normally its responsibility.

Although the Department of Justice refused to approve the use of Federal marshals in Boston, in fall 1974 it did assign a team of six attorneys from its Civil Rights Division for "as long as they are needed," to enforce Federal criminal civil rights laws.

Between October and December of 1974, this team investigated complaints of criminal civil rights violations, and filed charges against alleged violators of Federal laws. Since December 1974 the team has been involved in followup activities in connection with suits previously filed. Plans for a Justice Department involvement in the 1975–76 school year desegregation efforts, have not yet been determined.

The White House also became involved in the Boston case with a public statement by the President in October 1974, in which he expressed disagreement with the Federal court order.

CHAIRMAN FLEMMING. Thank you, Mr. White. Counsel will call the next witnesses.

Mr. Alexander. Robert Fulton, William Logan, John Bynoe, and Thomas Fagan.

[Whereupon, Robert Fulton, William Logan, John Bynoe, and Thomas Fagan were sworn by Chairman Flemming.]

Chairman Flemming. We appreciate your being with us.

TESTIMONY FOR THE DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE BY: ROBERT FULTON, REGIONAL DIRECTOR; JOHN BYNOE, DIRECTOR, REGION I, OFFICE FOR CIVIL RIGHTS; WILLIAM LOGAN, REGIONAL COMMISSIONER OF EDUCATION (USOE); THOMAS FAGAN, CHIEF, SPECIAL PROJECTS BRANCH, EQUAL EDUCATION OPPORTUNITY.

Mr. Alexander. Starting with Mr. Fulton, would each of you identify yourself for the record, including your name, address, and your position within the Department of HEW.

Mr. Fulton. I am Robert Fulton. I live at 137 Ridge Street, Winchester, Massachusetts. My position is Regional Director, U.S. Department of Health, Education, and Welfare for New England.

Mr. Bynoe. I am John Bynoe, 82 Harold Street, Roxbury; Director of the Office for Civil Rights for the Department of Health, Education and Welfare, Region I.

Mr. Logan. My name is William T. Logan, Jr. I live at 51 Windmill Drive, Sudbury, Massachusetts. I am Regional Commissioner of Education.

Mr. Fagan. I am Thomas Fagan. I live at 3223 Rittenhouse Street, Northwest, in Washington. I am Chief, Special Projects Branch, Equal Education Opportunity.

Mr. Alexander. Mr. Bynoe, could you briefly describe for us the Title VI proceedings that was instituted against the Boston School Department?

Mr. Bynoe. Yes. Beginning in 1970, based on a complaint filed by Allen Cohen at the Lewenburg School in Roxbury, in Dorchester, an investigation was undertaken of the possible Title VI violation in the Boston school system. After a preliminary investigation, it was decided that a complete Title VI investigation should be undertaken, which was done. As a result of that investigation, we entered—

Mr. Alexander. How long did that investigation take?

Mr. Bynoe. That investigation took approximately—the entire investigation, preliminary as well as the final review, took approximately 18 months or so.

Mr. Alexander. And that was conducted out of your office or out of the Washington office?

Mr. Bynoe. It was conducted out of my office with assistance from the Washington office.

Mr. Alexander. Is it in effect a task force created for a major review like that?

Mr. Bynoe. At that time it was necessary because of the small numbers that were assigned to the regional office At the present time we would undertake such a review.

Mr. Alexander. How many staff persons do you currently have?

Mr. Bynoe. At the present time there are a total number of slots assigned to the office of 39. At that time, there were approximately 13 people in the office.

Mr. Alexander. Had your office before that time ever conducted a compliance review of the Boston school system?

Mr. Bynoe. No, we had not.

Mr. Alexander. So this was the first review of the Boston school system?

Mr. Bynoe. This was the first review of the Boston school system.

Mr. Alexander. In sum, what were the findings in that proceeding?

Mr. Bynoe. In sum, as a result of our findings, we found that what we described as a dual system existing in Boston. We found that the school administration, by its actions, had set up certain procedures in terms of middle schools, in which it amounted that minority youngsters coming out of grade eight were sent to first-year high schools, which were becoming, and have become in many instances, majority blacks, and that the nonminority youngsters were given the opportunity to go to junior high schools and then on to district high schools in the second year, which were majority white.

Mr. Alexander. Based on the findings of the HEW study, would it be accurate to say that a black student could attend any school in the city of Boston that he or she chose?

Mr. Bynoe. No, it would not.

Mr. Alexander. Would it be fair to say that Boston school systems at the time of the HEW findings, which were in 1973, I believe—

Mr. Bynoe. That is correct.

Mr. Alexander. —had an integrated school system?

Mr. Bynoe. It would be fair to say that there were schools in which minority students, and almost all the schools of the city had some minority students—

Mr. Alexander. Were these numbers of any significance in terms of the black population in this city and other minorities?

Mr. Bynoe. No, not at all.

In some schools I would say no, because it was possible for us to trace a pattern in which it ended up that the majority of minority students ended up in specific schools and the majority of nonminority students ended up in specific schools.

Mr. Alexander. Has HEW's role in the desegregation process continued, or was it in effect terminated by the Federal district court order in an investigatory role?

Mr. Bynoe. The investigatory role has not discontinued. It has diminished somewhat. It has continued, however, in our responsibility to monitor and to review for the purposes of the Emergency School Assistance Aid Act.

Mr. Alexander. What was the effect of the Federal district court order?

Mr. Bynoe. The Federal court order superceded the HEW proceedings for all intents and purposes, as we recognize the court order as validating our findings, and also taking, being the actual requirements, that the city would now have to meet.

Mr. Alexander. Mr. Bynoe, were you—I take it were involved in this proceeding, the 2-year proceeding of HEW with the Boston School Committee, is that correct?

Mr. Bynoe. That is correct.

Mr. Alexander. Personally?

Mr. Bynoe. That is right.

Mr. Alexander. From your experience both as the Regional Director of OCR and your personal experiences there, was the Boston School Committee or the Boston School—and the Boston School Department, at all cooperative in providing the necessary data for making the analysis that HEW needed to make under Federal law?

Mr. Bynoe. The Boston School Committee was cooperative after they were advised and given legal notice of the requirements based on the assurances there given in order to become eligible for the Federal financial assistance that they had received.

Mr. Alexander. Mr. Fulton, moving to you for a moment, could you briefly describe for us what is the responsibility of a Regional Director of the Department of Health, Education, and Welfare?

Mr. Fulton. Regional Directors are the representatives, the senior representative of the Secretary, for the overall coordination of the Department's programs in a region. I have line authority over certain aspects of the regional operation. There are other functions that I have only a coordinative responsibility over.

Mr. Alexander. Which would those functions be?

Mr. Fulton. This included the Office for Civil Rights functions and the program responsibilities of the Office of Education as well as other major agencies within HEW.

I have a responsibility for attempting to fit the pieces of HEW programs together so that they operate in a more effective way than they would if dealt with individually. I have the responsibility to represent the department to the State and local governments and to the general public of the region. Also, to provide administrative support of a variety of forms to all of the operations of HEW within the region.

Mr. Alexander. What was your role, personally, as the Regional Director of HEW in the Phase I process?

Mr. Fulton. We had a number of points during the past year in which various matters were under consideration in HEW related to the availability of technical assistance under the Title IV; the questions of the eligibility of Boston for funding under the Emergency School Aid Act; the question of the actual making of that grant. I was—I played a role of convening the other parties who are here at the table a number of times to discuss the HEW position; I reported to our Secretary regularly on the developments related to the Boston schools; I met from time to time with various people who had concerns about the availability of Federal funding or HEW's posture on the question of compliance of Boston with the requirements that had to be met in order to be eligible for Federal funding. I personally monitored, as closely as I could, the developments; I received progress reports from all of the staff people who were involved in various relationships with Boston, and in general tried to keep an immediate touch with the situation so that when it was appropriate to make a recommendation to our national office, or to speak to someone locally or to do something with some member of our regional office team, I could be in a position to do so.

MR. ALEXANDER. Was there any additional funding other than the money that became available in January when the issue of compliance was worked out that was made available by HEW for school desegregation?

MR. FULTON. The only other specific funding action that I can recall was the addition to the general assistance center operated by the University of Hartford of, I believe, $125,000, to provide additional technical assistance to Boston for the process of desegregation planning.

MR. ALEXANDER. Anything other than that, either funding directly or in technical assistance?

MR. FULTON. Not that I can recall. Maybe one of the other witnesses might.

MR. ALEXANDER. Mr. Bynoe?

MR. BYNOE. No, I don't recall any other.

MR. ALEXANDER. Mr. Bynoe, in relation to your continuing oversight responsibilities, you a number of times mentioned that a number of private schools have been established in relation to Phase I. Is that your responsibility to review those schools?

MR. BYNOE. Yes, it is our responsibility to review those schools, and the notice was sent to the Boston School Committee, to the public facilities department, as they are the agency that has control of the Boston school building, on February 20, 1975, advising them of the fact that the city—no education agency should be eligible for assistance if they should deal with private schools that were set up for the purpose of evading the desegregation order.

MR. ALEXANDER. May we have a copy of that letter for the record?

MR. BYNOE. Yes.

MR. ALEXANDER. Can we have that entered as an exhibit at this point, Mr. Chairman?

CHAIRMAN FLEMMING. Without objection, it will be done.

MR. ALEXANDER. In relation to private schools that do not in any way have a public connection in terms of funding or facilities, do you report information that you have on them to the Internal Revenue Service in relation to their tax status?

Mr. Bynoe. No, we do not.

Mr. Alexander. Is that a policy determination HEW-wide, or is that something that has not been done?

Mr. Bynoe. This is something that—the question of policy up to the present time has not arisen.

Mr. Alexander. Do you think it would be appropriate for you to transfer such facts that may come into your possession, to the Department—Internal Revenue Service?

Mr. Bynoe. I would feel that it might be appropriate.

Mr. Alexander. Mr. Fulton, could you tell us something about the plans for this upcoming year in terms of Federal involvement with Phase II?

Mr. Fulton. Well, we have pending in the Department of Health, Education, and Welfare, the Office of Education, right now an application from the Boston School Department for a further funding action under the Emergency School Aid Act.

One of the obvious responsibilities of HEW is to act on that application, evaluate it in relation to other needs, and make a decision on how much money Boston can qualify for. In terms of other kinds of activities, we have told the Boston superintendent's office that we would monitor as closely as we could other opportunities for Boston to participate in HEW programs. I will ask Mr. Logan to be alert and to alert me and the superintendent's office at such time as other possibilities arise in which HEW money might be delivered to assist the city in the desegregation process and in improvement of its educational programs.

I have suggested to the Federal Executive Board that we ought to form for Phase II a committee, a task force of Federal representatives, that would explore with the school department staff, with the State officials, and with the community leaders, the possible roles that Federal agencies as a group might play in relation to developments in Boston. That recommendation has not yet come before the policy council of the Federal Executive Board, but it will next week.

Within HEW we will monitor the developments very closely; we will provide advice to our national office; we will keep our Secretary informed of developments and request his help when needed to deal with issues related to Boston; a continuation and hopefully an even closer touch with the situation and an ability to respond as quickly as we can to the developments as they occur, is what we are seeking.

Mr. Alexander. Mr. Logan, could you tell us briefly what your function is in the regional office?

Mr. Logan. Yes. I represent the United States Commission of Education, and have final authority of those programs and authorities delegated to me prior to June 1, 1973, by the new legislation, 93-380. Therefore, I have direct responsibility for certain programs, serve as a liaison broker, contact point for the United States Commissioner in those programs in which we coordinate between this office and the central office.

Mr. Alexander. Could you specify just briefly what are some of those?

Mr. Logan. Well, for example, in connection with the Boston desegregation program, it was the central office that had the authority and responded when the final court order was issued, that made available up to a million nine [$1.9 million] to carry on the program. We were not in a normal funding cycle; they went to the logical place which was discretionary funds at headquarters, and were so funded. At that time, Mr. Fagan, who is beside me, was the project officer representing the Associate Commissioner Goldberg and he worked out of our office, our staff and throughout that time there has been coordination between the two.

Mr. Alexander. Other than the $1.9 million just referred to, is there any other funding or technical assistance that was provided to the Boston school system directly relating to the Phase I order?

Mr. Logan. As soon as we had a final order, on that date—that would be back in November, I believe—at that time we immediately contacted, and this was not our first contact, we were in contact with officials in Superintendent Leary's office, made available to them applications for the Emergency School Act. And from that time on we have had a single—we had one project officer, who is assigned specifically to Boston, plays the liaison. That does not mean that all technical assistance comes from that one program officer, but all requests are there so that they are coordinated and the availability of my staff has been expressed to the Boston School Department.

Mr. Alexander. Has it ever been utilized?

Mr. Logan. Yes.

Mr. Alexander. For technical assistance?

Mr. Logan. It certainly has. And, of course, the proximity of this—our office on the 23d floor and the Boston school office is a matter of just a few blocks away.

Mr. Alexander. What type of technical services does your office have available that can be utilized?

Mr. Logan. Well, with regards to the—we will talk about elementary and secondary education—I have a staff that is almost a counterpart of the deputy commissionership for school systems. We have programs in desegregation, Title I, Title IV, impacted aid programs. Also, we have vocational offices.

Mr. Alexander. Referring, for example, when the Federal district court in Phase I ordered the Boston School Committee to develop its own plan that would be acceptable on constitutional principles for Phase II, did the Boston School Department School Committee come to you for assistance in designing such a plan?

Mr. Logan. Members of the Boston—of Superintendent Leary's staff did come to us. Superintendent Leary assigned Charles Lefkowitz as his official contact, who had that responsibility. There has almost been daily contact with Mr. Lefkowitz.

Mr. Alexander. Could you explain to us what additional resources of either a technical or a financial nature could be available to the city of Boston under Phase II? Are any such resources contemplated?

Mr. Logan. Well there are two things: One, we are in a funding cycle at this moment, and we will not know the results of that funding cycle on Boston's application or other applications until approximately the 25th of June. We must have these contracts out by June 30. The General Assistance Center for New England, or Region I in Hartford, has a proposal for it to continue the type of support that existed before.

Initially, when the General Assistance Center applied for a grant, we couldn't—they had a component to serve Boston. Boston was not in compliance at that time. That component was deleted.

When Boston came into compliance, we amended our contract, increased it by an amount of $110,000 to make available the services that Boston requested from the General Assistance Center. This year we anticipate that the General Assistance Center will continue to serve Boston from that point of view. They have a basic grant application in now and we have been working with them in preparation. range. The application is currently in Washington. There is a reason for this. I think it should be explained that the allocation for the Commonwealth of Massachusetts for the whole State for basic grants, was a little over a million dollars. When I say that I am saying it because we dealt with a possible continuing resolution of $236 million appropriation and so on. The Boston application far exceeds the money available for the Commonwealth. Therefore, the normal cycle on resubmitting is to go to the national pool and as money is made available from States that have not used their allocation, it is redistributed under a formula that has been in existence for some time on the same basis. So Boston then will be eligible to as much money as is available on reassignment.

Mr. Alexander. How much money is being asked for?

Mr. Logan. About 9,300,000.

Mr. Alexander. And that, as you said, is within the ballpark, is that your statement?

Mr. Logan. I could not say that at this moment, not knowing—I have a staff member in Washington, or en route here, who has been down with the resubmitted applications. I have no knowledge of how many.

Mr. Alexander. Do other organizations, other than the school department, apply for grants in this area?

Mr. Logan. Yes, they do. There are many nonprofit organizations that qualify under the special categorical programs for nonprofit organizations.

Mr. Alexander. Have we had in the Boston community either universities or colleges or nonprofit organizations that have specifically applied for funds—

Mr. Logan. We have—

Mr. Alexander. —for desegregation purposes?

Mr. Logan. We have.

Mr. Alexander. Could you explain that to us? What programs you are funding to those organizations?

Mr. Logan. The program for nonprofit groups is to provide community support, community training, to assist the public schools, you know, carry out its desegregation program. It is a supplemental, complemental type of—a complementary type of program.

Mr. Alexander. How much money this year for such organizations?

Mr. Logan. The allocation?

Mr. Alexander. Yes, sir.

Mr. Logan. May I ask Tom that question?

Mr. Alexander. Surely.

Mr. Fagan. The law sets aside approximately 8 percent of the total appropriation for a nonprofit group. So it is 8 percent of 215 million, plus or minus a little.

Mr. Alexander. How much was expended in Boston, was my exact question?

Mr. Fagan. Nothing has been expended on the current appropriations so far.

Mr. Alexander. There are applications under the—

Mr. Logan. There are.

Mr. Alexander. —pending appropriations. Up to the 8 percent amount?

Mr. Logan. I think exceeding it.

Mr. Alexander. Exceeding it. So there are applications. Are these from universities?

Mr. Logan. I don't believe there were any university applications under the Emergency School Aid Act. There are under the Title IV.

Mr. Alexander. I see. But there are no university applications for supplemental services for desegregation?

Mr. Logan. Not at this time, although they could be eligible applicants. The cycling of a time for applications was, I believe, May 16 was the final date.

Mr. Alexander. Okay. The logical question, I assume is, universities are aware that they are eligible for such funds?

Mr. Logan. I believe they are. They should be.

Mr. Alexander. Okay. Mr. Fagan, could you briefly describe to us what your responsibilities are?

Mr. Fagan. In general, I am in charge of what is known as Special Projects Emergency School Aid Act. I administer all those portions of the Emergency School Aid Act which are not related to the State apportionment section; specifically educational television and discretionary account. In that capacity the current grant under which Boston is operating is funded out of discretionary funds. So I have also served as a project monitor for the current grant in Boston.

Mr. Alexander. Could you tell us the types of activities that were funded in this past fiscal year?

Mr. Fagan. Yes, there were several. There was one dealing with guidance counselors, which was providing guidance services, especially to non-English-speaking children. There was a bilingual education component which established bilingual community aides.

Mr. Alexander. These were prior to desegregation, these proposals, I gather.

Mr. Fagan. No, these proposals were all desegregation proposals. And these were activities that were conducted in the schools that were affected by Phase I. There was a large component crisis prevention, which was supplementing some of the activities that Ann Foley's staff had already been carrying out, an intergroup relations component for training teachers and school administrators and parents in an attempt to cool down tensions and stuff within the schools; and some supportive services for the citywide advisory committee.

Mr. Alexander. Were these funds concentrated in individual schools, or were they spread throughout the system?

Mr. Fagan. They were—the only schools that could receive funds under the—services under it were those that were affected by Phase I. So it was the target schools involved in the Phase I, in which I think there were something like 42 schools, I think was the total amount.

Mr. Alexander. Do you know how many teachers received training under the funds provided by ESA?

Mr. Fagan. No, I couldn't tell you offhand because the training program is still going on.

Mr. Alexander. Until the end of this fiscal year?

Mr. Fagan. Yes. Boston hasn't requested an extension of the current grant period through August 31.

Mr. Alexander. Do you monitor the quality of the training that is provided under a grant?

Mr. Fagan. Yes.

Mr. Alexander. Could you evaluate the training for us?

Mr. Fagan. Well, I conducted a monitoring review in March with some people, members of my staff, and of Dr. Logan's, and we felt that what was going on was quite good. I think the school department, the school was under a tremendous strain. When money was finally made available in February to develop and implement a program of that scope in such a short amount of time, it was very difficult. But, in general, I think that they have made a good attempt to carry out the program as it was designed.

Mr. Alexander. Do you think the programs were generally effective or ineffective?

Mr. Fagan. The evaluation is being contracted out by the school department to three agencies. And until I get a result of those evaluations, I just wouldn't—

Mr. Alexander. Do you have any say in who it would get contracted to?

Mr. Fagan. No.

Mr. Alexander. None at all?

Mr. Fagan. No, other than we have to approve subcontracts as they go out and they must be done on a competitive basis. It is up to the school department to—

Mr. Alexander. When will those evaluation results be ready?

Mr. Fagan. They will be in—one of the reasons for the extension was to give them enough time to compile the results of the evaluation, so they will be in August. The school department may have them prior to that, but they wouldn't be submitted to me until then.

Mr. Alexander. As of the end of the normal funding cycle, which would be the end of June in the fiscal year, how much of the $1.9 million will the Boston school system have expended?

Mr. Fagan. According to information recently submitted to me, about 1.4 million will be expended under the extended period.

Mr. Alexander. Will the entire amount be spent if the extension through August is granted?

Mr. Fagan. Not—again it is hard to say because these are projected figures, but they do not project spending the entire amount, no.

Mr. Alexander. So there will be Federal funds that will be unspent under this program, the $1.9 million referred to several times. That is that—

Mr. Fagan. That is a projection based upon several things. One, no further extension which they haven't requested. And, you know, carrying out whatever they are doing this summer. Incidentally, I am not terribly surprised. That is not uncommon in Federal grant situations to find that that occurs.

Mr. Alexander. Is that uncommon, however, in school desegregation situations?

Mr. Fagan. No. It isn't in all of our things. The reasons that such things occur is that when the budgets are put together, they are projected on salaries for the length of the grant period and everything laid out, and there are so many teachers going to attend each one of these sessions and they are being paid a stipend for attending. But they are only paid for those that they attend, and if there are 30 people enrolled, and 24 people attend, then some money begins to accumulate. Hiring is always projected; we are going to start people on such and such a date at the beginning of the grant period. There may be 1 or 2 or 3 weeks of recruitment time that passes by before people are actually put on the payroll; people quit halfway through. So that the dollars tend to accumulate.

Mr. Alexander. In relation to the grant for the next cycling period, is there any difference in the nature of programs that are being requested to be funded?

Mr. Fagan. Yes, there are. There are some additions in the new proposal which were not in the earlier grant, although some of them appeared in the earlier application.

Mr. Alexander. Could you specify those for us?

Mr. Fagan. Yes. There is a remedial math component in the new proposal; a remedial reading component in the new proposal which was not in the earlier one; they have expanded the bilingual component somewhat; a special needs component, special education, I guess—Massachusetts uses special needs—is in here. And there is a summer teacher training component, which obviously wasn't in the proposal. It only ran February through June.

Mr. Alexander. Mr. Fulton, earlier you mentioned that you had made a recommendation for the Federal Regional Council, I believe?

Mr. Fulton. Federal Executive.

Mr. Alexander. Could you specify to us what types of activities you recommended that be undertaken by the—in a sense the leadership of the Federal establishment in this city?

Mr. Fulton. Well, I suggested that one of the things we ought to explore is the possibility of adopting or adapting the pairing arrangement that has been used with some of the businesses and universities to see whether individual Federal agencies might render support on a paired basis with some of the schools, particularly for such things as tutoring help.

We did, this past spring, get started fairly late in the school year, a cooperative program in which Federal people are released from their jobs to provide some tutorial help in Boston schools.

I think one of the activities that might very well be looked at by this task force that I suggest is the possible expansion of the tutorial program; but also beyond that, looking at other ways in which Federal agencies might cooperate with individual schools.

I also suggested that we ought to look at the summer programming in various Federal programs such as the summer youth activities that the Department of Labor and the—I guess now the Community Services Administration are involved in funding, to see whether there could be some activities carried out this summer that might help to lay a basis for a better start of the school year this fall in relation to work with the students, with faculty and parents, and others.

I suggested fundamentally, that we ought to convene representatives of not only my department, but also other Federal agencies which have obvious program relationships to the community of Boston and explore among ourselves and with representatives of the school department and the State, other possibilities other than the ones that I have been able to come up with so far, on which we might work as a Federal family.

Mr. Alexander. One final question for me. In relation to the tutorial program that you mentioned earlier, how was this operated? Were these Federal volunteers?

Mr. Fulton. Yes, sir. The Community Relations Service, through some contacts it had with school department people, suggested to the Federal Executive Board that we solicit volunteers from within the Federal agencies. As I indicated, that got started a bit late, but we did, I think from HEW, on sort of a first round, come up with about 23 volunteers, and there were a number from other Federal departments and agencies. The school committee, school department supplied the—of course, arranged the logistics of where they would go and what assignments they would get. We had training sessions for them, a very good briefing for them from the school department staff, and I think the initial feedback that we have gotten is very positive.

Mr. Alexander. Were these students that were attending school that were being tutored?

Mr. Fulton. Yes, I should make that clear. This was not a tutorial program for students that were boycotting school. This was for students whose education had been disrupted in various ways by the events of the past year.

Mr. Alexander. Okay. I have no further questions, Mr. Chairman.

Chairman Flemming. Thank you. Mr. Bynoe, I was interested in your testimony on private schools in the area. How extensive has your investigation been of those schools?

Mr. Bynoe. To date we have not identified specific private schools that have been set up to avoid desegregation effort. However, we did find that large numbers of the youngsters have shown up on parochial school systems, even though the cardinal had asked that parochial systems not entertain youngsters to avoid desegregation. They have no explanation for it. However, their numbers have increased this year.

Chairman Flemming. But you haven't actually identified any violation—

Mr. Bynoe. No, we have not.

Chairman Flemming. —of the Civil Rights Act?

Mr. Bynoe. No, we have not.

Chairman Flemming. Or of the Department's regulation? So consequently you haven't been confronted with the possibility of referring whatever information you have been able to develop to the Internal Revenue Service?

Mr. Bynoe. No, we have not.

Chairman Flemming. I would suggest that in the light of this hearing, you might want to raise that as an issue, that the department as a whole might want to take a look at. Because this Commission did file a report in which we were a little critical of IRS activities in this particular area. And it is clear that, taking HEW nationwide, they could be of help to IRS on this point.

Mr. Bynoe. I might add, sir, that should a private school apply for surplus funds through our Office of Surplus Property, we have a procedure under which the Office for Surplus Property clears with my office the status of the school applying for such funds so that we clearly have a method at present in terms of making what HEW has available, for such private schools.

Chairman Flemming. That is a longstanding procedure. Have any applications of that kind been made over a period of the past year?

Mr. Bynoe. No, sir. The only application that would be—that we would have to—that I would have to say that affected the Boston schools, was the request by the Boston schools for consideration for the Boston navy yard. And at that time I notified the Office of Surplus Property, the Boston school system being out of compliance with Title VI could not be considered. I also believe in Commissioner Logan's advising that the State board of education also has a function that it plays in terms of private schools.

Chairman Flemming. All right. If I could turn now, for a few minutes, to the pending application, am I correct that this application calls for 9,200,000 for the fiscal—which would be spent during fiscal '76?

Mr. Logan. The application is for approximately $9,300,000.

Chairman Flemming. Right.

How does that compare with the funds available under the same categories for the last school year? That is the present school year.

Mr. Logan. I'm sorry, sir—

Chairman Flemming. Well, the school committee or the—

Mr. Logan. This is the Boston School Committee's first application.

Chairman Flemming. This is their first application?

Mr. Logan. Right. This is the first year in which a plan has been submitted, which made them eligible, took them over the threshold, you see, to apply for funds. And they applied. You see, this is the first round they are making, first application.

Chairman Flemming. I see. Well, this would be $9,300,000 of new funds?

Mr. Logan. Right. They were eligible to the million nine [$1.9 million] of discretionary funds we discussed. They received that. This is their first application under a regular basic grant.

Chairman Flemming. Right. As you have analyzed that application, do you feel that it takes full advantage of the various programs that can be supported by grants of this kind?

Mr. Logan. Yes. I think when Mr. Fagan testified earlier, this Phase II plan, or the basic grant plan ties in and dovetails with the activities that were approved earlier under the million nine discretionary grant, and expands upon those. And they have identified certain areas. Some are new; the reading is new, the math is new. This will be their first time at this, and they have asked for as much funding, as many dollars as they feel that they can, you know, expend, hire, provide, and carry out their program.

Chairman Flemming. When did this application have to be in?

Mr. Logan. The application was received on May 16. It was reviewed by a non-Federal panel. The panel recommended it in terms of being within the funding range. And at that point it was hand-delivered that next day to Washington to go in to be considered with all other projects from other States, whose requests exceeded the funds available within the first State allocation.

Chairman Flemming. But the application then was developed prior to the judge's memorandum of opinion setting forth Phase II, plans for Phase II?

Mr. Logan. Yes.

Chairman Flemming. Under the authorities that the department has, would it be possible for the school committee or the school department to file any new applications, which are based on Phase II, directly related to Phase II, and which represent in a sense, the emergency action that could be taken or should be taken in order to help implement Phase II?

Mr. Logan. May I defer that question to Tom?

Chairman Flemming. Sure.

Mr. Fagan. To clarify a little bit what the Commissioner has said, the Boston application presently under consideration was filed on May 16, but at that time there were some deficiencies in the proposal and it was returned to the school committee for a correction of the deficiencies. It was then resubmitted on the 16th of June, which was subsequent to their knowledge of the plan. And I think that, for the most part, they knew the schools that were going to be involved in the desegregation order before it actually came down. So I think that the activities that are in it encompass almost all of the schools that would be affected. Whether they could submit for anything additional to that, generally speaking, this is a competitive program, discretionary, and generally speaking we fund once a year except out of the discretionary account. The Assistant Secretary for Education has the authority within the discretionary account to make available extra services if she so chose. That was how they were funded last year. So the answer is, yes—is it possible, yes.

Chairman Flemming. Did they, as far as you know, make any changes in the plan growing out of the Phase II order?

Mr. Fagan. Between the original submission in May and this?

Chairman Flemming. Yes. Right.

Mr. Fagan. There were some changes made because there had to be to correct deficiencies. I don't know if there were any changes made by them, frankly, as a result of the order or not.

Chairman Flemming. Yes, that is what I had in mind, whether they made any changes based on the Phase II order.

Mr. Fagan. And they did have the order prior to the 16th.

Chairman Flemming. Of June?

Mr. Fagan. Of May, wasn't it?

I think the order predates that.

Chairman Flemming. No. No, as I recall it, the Phase II order was June—

Mr. Fagan. May 10.

Chairman Flemming. June the 5th or 6th. We have the judge's memorandum of decision and it is dated June 5.

Mr. Fagan. Yes, the actual order I am told did come out May 10 and then the findings were published on June 5.

Mr. Fulton. I think, Mr. Chairman, there were two, in effect, two orders. There was the substantive order which came out earlier and then the memorandum of law is what you are referring to.

Mr. Fagan. The actual—a copy of the court order of May 10, which involved, which was the assignment plan, was included with the application when it was submitted on May 16.

Chairman Flemming. All right. Let me turn, for a moment to the area of higher education. The court has tied 20 institutions of higher education into the Phase II plan. If I understood the earlier testimony correctly, no institution of higher education in this area has made application for any Federal funds designed to help it, or help that institution in carrying out its responsibilities under Phase II.

Mr. Logan. No institution of higher education applied as a nonprofit organization under the Emergency School Aid Act.

Chairman Flemming. Right.

Mr. Logan. Universities did apply under Title IV of the Civil Rights Act for training. In other words, if we separate ESAA from Title IV, they applied under one, not under the other. They are eligible to apply under both. None did.

Chairman Flemming. Right. Some did apply under Title IV?

Mr. Logan. Yes.

Chairman Flemming. Do you know how many?

Mr. Logan. U. Mass.-Boston and Harvard.

Chairman Flemming. In other words, 2 out of 20 applied under Title IV.

Mr. Logan. Right.

Chairman Flemming. None of the institutions of higher education applied under the special program—

Mr. Logan. Nonprofit, right.

Chairman Flemming. —under the nonprofit program.

Mr. Fagan. Mr. Chairman, your concern about deadline may have been more difficult for the universities than for the school department. They, too, got the order on the 10th and the deadline date for them was also the 16th, which might account for the—

Chairman Flemming. If any of the institutions of higher education should decide in the next few days or few weeks to apply for funds which would help them carry out the responsibilities spelled out by Judge Garrity, is there anything they could do in terms of getting funds for the summer and—well, getting funds for the coming academic year?

Mr. Fagan. Well, the Title IV funds will be expended within the next few days, that we have available. And Title IV funds at any rate are extraordinarily limited in terms of need. Emergency School Aid Act needs, if you get into—the only place again where they might have any possibility, would be in the discretionary account. That section of the legislation only allows us to fund public school systems, local education agencies, State education departments, or public agencies. No private university is eligible under that legislation, under that section of the legislation, for assistance. So, the answer is, highly unlikely.

COMMISSIONER HORN. Mr. Chairman, just so we can clarify the record at this point, I wonder if we might get an exhibit from the Office of Education as to the Title IV funding project, the amount of money they were authorized, the total amount requested for the fiscal year, and the total amount granted.

I think one of the concerns of the Commission would be—not only in Boston, but as a national matter, do you have sufficient resources to meet the need that was originally projected by Congress in the basic Civil Rights Act?

CHAIRMAN FLEMMING. I appreciate that. I was about to suggest an exhibit, and I think maybe I was going to be a little bit more ambitious on it. Maybe this information has already been obtained, but it seems to me that, if we could develop an exhibit which shows the possibility for the school department for institutions of higher education to apply for Federal funds, and then identifies, as Commissioner Horn has suggested, what has been applied for under each one of the authorities, and then indicates what the results of those applications may have been.

MR. FAGAN. Are you asking, Mr. Chairman, for Title IV of the Civil Rights Act or the Emergency School Aid Act also?

CHAIRMAN FLEMMING. I am asking it for all—of course, for both or any other authority under which they might apply for funds. In other words, I am not restricting this necessarily, Mr. Fulton, to the Office of Education; I mean, if there are other possibilities in terms of other programs within the department. Now my request was not nationally at this point. It was for this region and related particularly to the Boston situation.

COMMISSIONER HORN. My request is really on Title IV as I say, for a national summary. I don't know how many projects are involved. But I think the Commission—this is really a foundation we are laying when we look at Boston, but we are thinking of the national applicability.

MR. FAGAN. I would be able to provide the statistics from last fiscal year almost immediately. This current year we are still funding, and it might take until we are finished making approval. It will be a while.

CHAIRMAN FLEMMING. The record will be open for a while anyhow. See, what I am after here is what are all of the possibilities as far as the Boston School Department is concerned; as far as institutions of higher education in the Boston area are concerned; and what kind of applications have been filed by the Boston School Department, by the institutions of higher education in the light of these possibiities. And then, what is happening, how much money did they get? In other words, I am, frankly, interested in how much initiative has been taken to obtain Federal funds to help the school system operate under the court order, and what has been the result of that initiative. Now, I think you all can translate that into a specific exhibit in addition to the exhibit that Commissioner Horn has asked for.

I have just one other question. The school committee is under a court order and, as was indicated, the Department of Health, Education, and Welfare, of course, recognizes that it is bound by that court order. Is that court order all inclusive as far as issues that we—that the Department normally looks at in order to determine whether or not there is compliance with the laws the Department has a responsibility for and the regulations issued under those laws?

In other words, certain issues are governed, they have been decided by the court. Now, are there other issues that the Department of Health, Education, and Welfare is concerned about under law and under the regulations issued under the law?

Mr. Bynoe. Yes; yes, sir. In reviewing the application from Boston for purposes of clearance for Emergency School Aid Act this year, being as liberal as possible, we still had to raise questions in terms of discipline in student suspension. I would note, however, that the court is now also entertaining that matter and it's a practice generally that any item covered by the court is acceptable by HEW. But this was one item that was not covered initially.

Chairman Flemming. That is understandable, but what I was interested in was whether or not there are items not covered by the court order that HEW under the law must still be concerned about and still conduct investigations to determine what is happening to determine whether or not the system is in compliance.

Mr. Bynoe. Yes, sir, I would say there are. There is the transfer of property to private schools as we've talked about before. I think there would still be the matter of continuing Title VI violations if they occurred that might not, that could be covered by court order, but if a complaint came in, we'd still have to investigate and report, make our findings known to the court, so that I think we have a continuing overview regardless of the court order. However, we do interpret any item covered by the court order and at least cleared up by the court order satisfactorily.

Chairman Flemming. But in addition to the court order and the monitoring of the court order by the coordination council and so on, HEW is still investigating or keeping in close touch with developments in the system to determine whether or not there is complete compliance with the law and regulations for which HEW has responsibility?

Mr. Bynoe. That's correct, sir.

Mr. Fagan. One obvious item not covered in the court thing at all that needs to be watched is the inclusion of the sex portion under the Civil Rights Act which isn't even addressed by the court.

Chairman Flemming. That is correct, and I assume that we are, that the Department is monitoring that—

Mr. Bynoe. Yes, sir, they've been recently notified. And we should also talk about the law memorandum which they were recently notified that specific action should be taken, at least reviewed and reported back to the Department concerning the bilingual offerings within the school system, the manner in which they're offered, etc., and even though it is touched by the court order, there are still specific requirements under the law memorandum that the school system must abide by.

Chairman Flemming. Thank you very much. Commissioner Horn.

Commissioner Horn. Commissioner Logan, mention has been made of the Hartford Desegregation Center and the $125,000 component that was withheld from the Boston school system when they were out of compliance under Title VI with the civil rights laws. Was that decision to withhold the $125,000 made in the region or in Washington?

Mr. Logan. The determination was made—was made in this office and, as far as Washington was concerned, it was a single decision; we work as a team. The point was the initial application from the General Assistance Center included a component of about $110,000 to render technical assistance to Boston. Boston was not in compliance at that time. There was no final order. Therefore, it was deleted from the original contract made to the institution and when Boston did come in compliance in the fall, at that point, money was sent to us to amend the contract by $110,000 to increase the scope of work. You see, it's a contract; they could not perform this service without being in a contract form.

The contract was amended, additional funds were made available to render services to Boston. The current application from the General Assistance Center also contains a component. Now, when the General Assistance Center prepares its budget for us, it prepares this with documentation that its services have been requested by a local educational agency; how many, how much, how much time, you see. So, they bill their budget base—we—if we get this grant, we will serve this school system, that school system with so many person days of hours and service and that sort of thing. And so, we were just waiting to do this and immediately, you know, within a short period of time after the final order, the amend—the contract was amended and the General Assistance Center was able to move into Boston.

Commissioner Horn. How many months were those funds denied? What was the time period?

Mr. Logan. Well, the application period for the General Assistance Center was in the, was it in the spring of the year before?

Mr. Fagan. Yes.

Mr. Logan. It would have been in the normal planning cycle of the year before, so it would be the period of time which would be starting with July 1, that would be the normal fiscal year.

Commissioner Horn. Why don't we, just for the record, get the dates if you would furnish them so we could include it at this point. I'd like to know when the application was made by the Hartford General Assistance Center, the time in which the $125,000, or you say $110,000 component was deleted, and then the time once Boston came into compliance that additional funds were actually made available to Boston. I guess—let me ask you this value judgment question: Do you feel it is wise to limit and prohibit funds for this particular aspect of desegregation assistance to a city because they are out of compliance in other areas when the whole purpose of Title IV is to get school districts into compliance with the law of the land?

Mr. Logan. You asked for a value judgment.

Commissioner Horn. Yes, sir.

Mr. Logan. It's my own personal feeling that whenever a community or a representative group of leadership request assistance from us to carry out the intent of purposes of philosophy of desegregation that we should render all assistance possible and as soon as possible and when requested.

Commissioner Horn. Well, I completely agree with you. This decision has bothered me for a year or two that I feel it's counterproductive where the Federal Government is taking away all funds when perhaps the application of some pinpoint the problem in a specific task might enable us mutually to achieve certain ends on a much more rapid basis.

Thank you.

Chairman Flemming. Before I turn to my other two colleagues, there is one other matter that I did want to ask a question about. Testimony was offered earlier today to the effect that a representative of the Department had said that there probably would be less Federal funds available to help on desegregation because there was less interest in busing. Have you read any statement along that particular line, or a statement that would—let me put it this way: are you conscious of any policy decision made by the Department that would support that kind of a generalization?

Mr. Fulton. No, sir.

Chairman Flemming. Okay. That's all I need.

Mr. Logan. Can I follow up on that?

Chairman Flemming. Yes, sure.

Mr. Logan. The—when a school district is given its technical assistance prior to making an application, there are no ceilings put upon them; the components are built to the magnitude that the school district thinks it can—it needs to carry out that program. No one says to the school—to an applicant, "Here's a ball park score. If you come in for this much, you'll probably be in a fundable range." They can ask for all of the money that they feel they need to carry out that project. Now, they're in jeopardy when they apply for more than the State has in allocation or in terms of what could be reassigned, but no one discourages them from asking for as much as they feel they need to carry out that program within those things allowable, and, of course, the program is not geared to busing or policing. It's aimed to services to children.

Chairman Flemming. In other words, if the application of $9,300,000 should be approved, and I underline the word "if"—it would mean a substantial increase in Federal funds for the Boston School Department to be used in connection with the whole process of desegregation, correct?

Mr. Logan. Yes, sir.

Chairman Flemming. All right.

Mr. Logan. May I point out, Mr. Flemming, that the—Dr. Flemming, that we have kept track of the fact that no Federal funds for Boston for programs that were in effect at the time of the Ring ruling and so on were cut off. Boston continued to receive during the whole period all the funds for programs which were eligible prior to that. New programs were prohibited, but during the period of 1974, over $13 million dollars of Federal money continued to flow to Boston. We anticipate an estimate in 1975 will be about $11,900,000.

There are a couple of reasons why they were less. One is the fact that you've heard about declining school population, which is eligibility on Title I. They have lost possibly a half-million dollars in terms of impacted aid because of certain base closings and so on, which has reduced the Federal-connected programs. And also a Right-to-Read grant of $100,000 finished, just finished in March of this year and there is no funding for the next year. But to look at the pattern of funding to Boston based on formula grants and based on their population, Boston has received every single cent to which it is eligible under the formula grant and has also received some discretionary grants since it has been in compliance.

Chairman Flemming. But again, if that application is granted, that total amount that which you've indicated would go up considerably.

Mr. Logan. Yes, sir.

Chairman Flemming. Okay. Mr. Rankin.

Commissioner Rankin. My questions I know will seem elementary to you regional officers and the former Secretary here of HEW, but I'm just interested a little bit in procedure. Boston makes application for $8,200,000. It goes to your regional office, is that correct?

Mr. Logan. Yes, sir.

Commissioner Rankin. You look it over and then you say, "There should be some changes in it." Am I correct in that?

Mr. Logan. This may or may not be so. The—application—

Commissioner Rankin. But it could be so?

Mr. Logan. Right. The application goes to a non-Federal panel for review.

Commissioner Rankin. Yes, you've mentioned that.

Mr. Logan. If it's fundable at that level, then fine, they say so. If they recommend changes and put it in a recent bid status, it's done.

Commissioner Rankin. If they recommend changes, then you give it back to the city and say, "You have to make changes suggested here."

Mr. Logan. Yes.

Commissioner Rankin. Now, then you send it to Washington; am I correct in that?

Mr. Logan. When it comes back, it is reviewed a second time.

Commissioner Rankin. It's reviewed a second time?

Mr. Logan. Right.

Commissioner Rankin. And then sent to Washington?

Mr. Logan. Right. And the point that we make on this to try to show our utmost fairness, if a panel has reviewed the application and made its comments and those comments are given to the school department or the applicant to review, we ask them, "Do you want this application—your resubmit—submitted to the same panel; do you feel they're unfair; do want a new panel?" And in the case of the city of Boston, they chose to come back to the same panel. It was their choice. We gave them a choice. Now that makes a little sense, because if you're responding to what somebody said before and you have responded, the chance of them looking it and say, "Yes, you've made some attempts," but there is that process.

Commissioner Rankin. All right. Now, let's see where we are now. We've sent it to Washington, is that correct?

Mr. Logan. It's gone to Washington now, sir.

Commissioner Rankin. Then they review it. They can send it back for changes, can't they?

Mr. Logan. No.

Commissioner Rankin. They can't.

Mr. Logan. No. It has gone to Washington with this—with a recommendation for funding from this office and a score which is within the fundable range. Now, it will be there awaiting the availability of money through allocations.

Commissioner Rankin. Now, can I ask you, when they make application, they have got to meet certain conditions, haven't they?

Mr. Logan. Yes, sir.

Commissioner Rankin. Now, do you take their statement, what they say that they've met these conditions, or do you read newspapers and everything else to find out any information you might have on the subject?

Mr. Logan. There are two things that happen. One, they have to have a plan, and secondly, I must hear from Mr. Bynoe's office, the Office for Civil Rights, that they have met these compliances. If he has any doubt about the sincerity of their compliance, we don't take it any further than that.

Commissioner Rankin. That was my next question and you've already answered the next question. So, he comes in and says, "They haven't met it." Then they have the opportunity of not meeting it or changing it to meet. Am I correct in that?

Mr. Logan. They have the opportunity to satisfy the Office for Civil Rights. If they do it—

Commissioner Rankin. All right. They change and meet it.

Mr. Logan. Right.

Commissioner Rankin. So, it goes to Washington to get the grant. After 4 or 5 months, Mr. Bynoe finds he's monitoring and he finds that they're not complying.

Mr. Logan. Right.

Commissioner Rankin. What does he do?

Mr. Bynoe. We have a responsibility to do a postreview as well as a prereview and at such time, we make a finding, we advise the school system of our finding and demand, or request that they submit a plan for corrective action.

Commissioner Rankin. You recommend that—

Mr. Bynoe. That's right.

Commissioner Rankin. —and if they correct it then the flow of money continues.

Mr. Bynoe. Actually they end up negotiating an agreement exactly as to what they're going to do to correct the matters that we find have to be corrected and give us a timetable for corrections.

Commissioner Rankin. And if they don't agree, the money's cut off, am I correct?

Mr. Bynoe. Yes, a recommendation for termination would be made.

Commissioner Rankin. And the bad thing about that is the authorities are responsible and the children suffer, am I correct in that?

Mr. Bynoe. That—

Commissioner Rankin. It's too bad we can't have a remedy without making the third party suffer, isn't that true? Haven't you run into that situation?

Mr. Bynoe. But to date, we've had no situation which we have not been able to work out remedies and I think Springfield, Massachusetts, is a perfect example.

Mr. Fagan. There have been nationwide commissioners—determinations of that sort and I, philosophically, you know, have an agreement with you and on the other hand, the Civil Rights Act needs to be enforced and it is our enforcement mechanism.

Commissioner Rankin. And so you just stuff up your ears and go ahead and enforce it, is that right?

Mr. Fagan. No.

Commissioner Rankin. Feel sorry for the children, but go ahead and do it.

Mr. Fagan. No, don't—we don't have a good deal of, we don't have any discretion within the law other than, other than to—

Commissioner Rankin. —than to cut it off.

Mr. Fagan. —other than to carry it out, that's correct.

Chairman Flemming. As you know, Mr. Rankin, the Civil Rights Commission from time to time has considered this particular point and I think you and I have the same feeling that we ought to be able to develop some method of penalizing the officeholder that is responsible for noncompliance and not penalizing the people who are dependent upon the funds for service.

Commissioner Rankin. Well, I'm sure you all agree with us in that point, won't you?

Mr. Fagan. Yes, and it has been expressed by the Secretary when, particularly relating to current court suit—the Department has been sued for nonenforcement of the Civil Rights Act in terms of cutting off funds to school districts and the Department of the—and the position of the Department has been very, very similar to yours, that we would like to seek every other method possible to bring the school districts into compliance rather than cutting off funds.

Chairman Flemming. In all fairness, I ought to say this: It is also the position of the Civil Rights Commission, however, that until such time as the law is changed to enable that, the imposition of that kind of a penalty, or sanction, the existing sanctions should be used in order to make it clear that the Federal Government means business on the enforcement of the Civil Rights Act.

Commissioner Rankin. Okay, Mr. Bynoe.

Mr. Bynoe. Mr. Chairman and Mr. Rankin, I'd like to point out that there have been some ancillary benefits from the Emergency School Aid Act and one is the benefits that have been granted to the class of special students and students in the mentally retarded classes. Any school system receiving Emergency School Aid funds has a responsibility to test all the youngsters in the classes and to schedule appropriate kinds of retraining for them as the findings make. In addition, they have to get the parents' consent and also to have psychologists and other people involved. We found that many school systems in the past that paid no regard to this function in terms of children in special classes and nationwide, this has been a real plus in terms of the program.

Commissioner Rankin. Thank you very much, because ordinary citizens, like myself, sometimes we don't understand quite all the steps in this procedure and you've clarified it to my satisfaction, and I feel sure to people who are listening in they are happy to have this information as to procedure. Thank you very much.

Mr. Bynoe. Thank you.

Chairman Flemming. Commissioner Saltzman.

Commissioner Saltzman. Gentlemen, in reference to this funding discussion, the representatives of the Boston School Committee, who testified earlier, have charged that the Federal Government is not assuming an adequate funding responsibility in carrying forward the court-ordered desegregation efforts. Is this a fair portrayal of the reality in fact, or was there a failure on their part to request within the compliance requirements of the governing laws, adequate funding from Federal agencies, and where is the truth in the—of the matter?

Mr. Fulton. I think a fair analysis of the situation would show that there is not—that charge is not justified about the Federal Government. As Mr. Logan, Commissioner Logan and others have indicated, we have delivered additional assistance to Boston in—to assist in carrying out the order.

There is a difference of perception, however, about what the Federal role ought to be with regard to cost of desegregation and it's a matter that I'm sure is not uniquely raised in Boston. We've got some views that, if the Federal judge is going to order busing, that the Federal Government ought to pay for busing. And we know that that's not possible under the law as it now stands. And I don't—I do not think it's either accurate or fair to say that the Federal Government is some way sloughing off its responsibilities to Boston. We are doing all we can within the parameters of the law and the available funds to assist in this very difficult process.

COMMISSIONER SALTZMAN. Would you say that they have attempted judiciously and thoughtfully to take advantage of the available funds?

MR. FULTON. They have—they, of course, missed the funding opportunities at a time that they had not made the desegregation commitments. Something that hasn't been mentioned here, there was a—the hold on new funding that existed from 1972 to 1974 did result in certain funding not getting to Boston. At the time that the deferral order was lifted, I believe, of 1974, the State was able to release Federal funds it held to Boston, about a million dollars, I think—close to it. And so, Boston did miss funding opportunities as the result of being out of compliance with the Civil Rights Act. But, and then, of course, there was a short period of delay in the funding of the Emergency School Aid Act because of contempt proceedings that stemmed from the school committee's failure to file a plan on December 16, as Judge Garrity had required. But to say that the school department staff has not been alert to Federal funding opportunities, not been interested in bringing additional programs in, I don't think would be accurate and I really can't say that about the school committee itself, apart from this desegregation issue.

COMMISSIONER SALTZMAN. Mr. Fulton, Mr. Holmes in discussions with our staff has said that the Boston School Committee was totally uncooperative in designing a remedy for discrimination found under Title VI. Would you agree with that kind of a characterization?

MR. FULTON. Well, I arrived in the regional office in May '73, which was nearly a year after the initial administrative proceeding had reached the point at which a deferral order was issued for Boston. At the time I came in and subsequent to that up to the time the deferral order was lifted, it was certainly true that the Boston School Committee refused to take on voluntarily the obligations and commitments that would have enabled HEW to deliver the assistance that was available under the Emergency School Aid Act and other new programs to the community.

They simply declined to respond voluntarily and, of course, the State at that same time had a great deal of action going on under its racial imbalance law and the Federal and State considerations were somewhat interwoven, but it is true that the school committee could have voluntarily responded to the administrative proceeding and they chose not to.

Commissioner Saltzman. Thank you.

Chairman Flemming. We want to express to all of the members of the panel our appreciation for your being here and providing us with the evidence which we can utilize as we develop our findings and recommendations growing out of this hearing. Thank you very much.

Mr. Fulton. Thank you, Mr. Chairman.

Chairman Flemming. Counsel will call the next witnesses.

Mr. Stocks. David Hays, William Gibson.

Gentlemen, would you please rise to be sworn.

[Whereupon, David Hays and William Gibson were sworn by Chairman Flemming and testified as follows.]

TESTIMONY OF DAVID HAYS (DEPARTMENT OF TRANSPORTATION), CHAIRMAN, FEDERAL REGIONAL COUNCIL, AND WILLIAM GIBSON (FEDERAL TRADE COMMISSION), FEDERAL EXECUTIVE BOARD

Chairman Flemming. Thank you. We appreciate your being here.

Mr. Stocks. Would you each give your name, address, and occupation, Mr. Hays.

Mr. Hays. I'm David W. Hays. I live in Sudbury and I'm employed by the U.S. Department of Transportation as the regional representative of the Secretary.

Mr. Stocks. Mr. Gibson.

Mr. Gibson. My name is William Gibson. I live in Canton, Massachusetts. I serve as the Regional Director of the Federal Trade Commission and also as Chairman of the Federal Executive Board.

Mr. Stocks. Thank you. Mr. Hays, are you an officer of the Federal Regional Council?

Mr. Hays. Yes, I'm Chairman of the Federal Regional Council.

Mr. Stocks. Would you briefly describe the functions of the Federal Regional Council?

Mr. Hays. The Federal Regional Council of New England was established in the spring of 1970. Originally, it comprised five Federal agencies: the Department of Transportation; Department of Labor; Health, Education, and Welfare; HUD; and at that time, OEO. In 1972, by Executive order issued by the President, it was amended to include two additional agencies which were EPA and LEAA. And again in 1973 the Executive order was amended by the President to include two additional ones, the Department of Agriculture and the Department of the Interior.

Basically, the Federal Regional Council acts in a coordinative fashion among the various Federal agencies that belong to the Council. We're interested in improving the delivery of services to the various State and local governments. We meet in this—incidentally, in this room on each—the first Tuesday and the third Tuesday of each month. As Chairman, I'm appointed by the President to serve a 1-year term. I have been the Chairman this past year. Mr. Fulton, who preceded me here, was Vice Chairman of the Federal Regional Council. But essentially, we act in a coordinative function to try and coordinate the various programs of the member agencies to see if we can't improve the delivery of services in the New England region.

MR. STOCKS. Has the Federal Regional Council here in New England developed any plans to coordinate grants and other resources to address the special needs of the Boston schools in desegregation?

MR. HAYS. We have not at this time, no, sir.

MR. STOCKS. Did you do anything following the initial court order in Phase I along those lines?

MR. HAYS. Back in October, I believe it was the 15th of October—yes, it was the 15th of October, the Federal Regional Council held a special executive session to get a briefing from those people involved in the desegregation order at that time, and as a result of that meeting, our individual agencies became apprised of the various problems that were encountered in Boston and individually those agencies took those kinds of action which they could take. Subsequent to that time, we have not had any other special meeting of the Federal Regional Council. You heard Mr. Fulton earlier talk about a proposed FEB-FRC task force. As yet the Federal Regional Council has not had an opportunity to discuss this, however, we will at our upcoming meetings this summer.

MR. STOCKS. Those are the only plans you have for the Federal Regional Council to get involved in a coordinative function for Phase II, that is to have a joint task force?

MR. HAYS. At this juncture, we have not even taken any action on Mr. Fulton's proposal because he just submitted it. As a matter of fact, it was submitted officially to Mr. Gibson. But at this point, the Federal Regional Council has no specific plans at the moment to do anything with regard to Phase II.

MR. STOCKS. Could you give me an example of an area where the Federal Regional Council has been able to coordinate the activities of an agency to meet a particular need?

MR. HAYS. We became quite active in the base-closing situation both in Rhode Island and Massachusetts where we did coordinate additional Federal funds to assist the State of Rhode Island and the Commonwealth of Massachusetts in the redevelopment of those former Defense Department sites for economic development in Quonset Point and Newport in Rhode Island, Charlestown, and South Boston in the Boston area, Westover, Otis. We also became in the Chelsea fire disaster in coordinating Federal funds to help the mayor in the city of Chelsea to recover from the disastrous fire. Those are two instances specifically in this region that we've, as a Council, have acted to coordinate Federal funds on a specific function, yes.

MR. STOCKS. Thank you.

Mr. Gibson, would you briefly describe the functions of the Federal Executive Board?

MR. GIBSON. The Federal Executive Board is a body made of the heads of all the agencies—Federal agencies and field stations in the metropolitan Boston area. It serves as a body to seek ways in which to coordinate activities that could assist in the delivery of services to people throughout the region.

It is in essence a voluntary activity in that it is—no one that functions as a member of the Board is paid for doing so per se. It operates through committees, which are a direct arm of the policy committee which is the body that really runs the Board. A member of the Board is any individual, or as I said, who is a Regional Director, and he becomes a member automatically by virtue of his position. However, the policy committee is an elected body which is elected from the membership. And then the committees are appointed and individuals who have particular interests volunteer for these particular committees. At the present time, our committees are working out a meeting to develop work plans for the coming year. We do this because we have no staff and we have to draw upon each other's services to the degree that manpower is available. And the best and most expeditious way to achieve this is through work plans that everybody's agreed on, to which we all make a commitment and we know we can carry it out.

MR. STOCKS. Was FEB in the Boston metropolitan areas involved at all in Phase I of school desegregation?

MR. GIBSON. I can't say in terms of phases. I can give you a reaction.

MR. STOCKS. Can we start—can we do it on school year, go back to September?

MR. GIBSON. I'd have to go back to dates.

MR. STOCKS. September of 1974.

MR. GIBSON. Approximately September or October when the situation became rather extreme, I made a motion to the Federal Executive Board, as the Vice Chairman and a concerned member of the Federal family, that I be appointed liaison for the Board for the purpose of keeping abreast of developments in the Boston school situation which might have implications for the Federal family, implications which perhaps we might be equipped to meet. The big concern I had at the moment was that the crisis seemed to be mounting in such a way that there might be situations developing in various parts of the community that would directly involved the employees to and from work. And I had previous experience where I had left work and went into the middle of a riot and had I known ahead of time what was going on, I could have better handled myself. And I felt that we owed it to our Federal employees to be alert to what was happening, so that we could use our emergency phone system to alert agencies if there were such a circumstance that we thought—that I thought through my liaison work might jeopardize some of our employees. I forget exactly—oh, and in order to carry this out, I had previously made arrangements with the Community Relations Division—Larry Turner was the head at that particular time—that I would work very closely with him in having access to the information that he had coming in from around the community and that at every day at 2:30 to 3 o'clock, no later than 3 o'clock, we would meet to judge what the circumstances were that day and what might come up the next day, so that I could then make a decision as to recommending use of our emergency phone system. I did that throughout the whole year.

I forget exactly when, but we were mindful of the circumstance of many young people in the Boston schools and that is that they were out of school for long periods of time and I knew that this was going to be harmful, especially if they wanted to apply for college, take college board exams, etc. And I felt they had been cheated enough as is with the situation. So, by this time, they had a new director of community relations, Marty Walsh. We talked about it and I thought that perhaps the voluntary tutor program would be an appropriate item for us to consider. We brought the matter before the policy committee and the idea was that we would notify through the Federal family all employees that there was an opportunity to provide a meaningful service in the Boston schools for those who would be willing to volunteer their time.

The pros and cons of it boiled down to whether or not the Federal agencies would grant these people administrative leave so that they could provide this service which would entail 4 hours a week over, I think it was over a 10-week period.

MR. STOCKS. Mr. Gibson, can I interrupt you just for a moment.

MR. GIBSON. Certainly.

MR. STOCKS. Precisely what kind of services were they going to be providing and where and to whom?

MR. GIBSON. The tutors were to go—were to be assigned through the body that had been created either through the court or through the school department, and I forget the name of the group at this particular time. The individuals were to be alerted that, if they wanted to volunteer, this would be the place that they would make contact and then they would carry out whatever the requirements were in terms of assigning people to work with kids on a one-to-one basis in tutoring them.

MR. STOCKS. Was this tutoring to take place in the Boston Public Schools?

MR. GIBSON. It was to take place in the schools. It meant the individual would leave his work site here and go to a specific school within the Boston community and work with a youngster there.

MR. STOCKS. Would you clarify for me the relationship between the student being out of school and the tutoring program in the school? Were you tutoring students who were not attending school, or were you tutoring students who had returned to school?

MR. GIBSON. I couldn't tell you who they tutored. All I know that there was a call made that there were young people who had been absent from school for a substantial period of time who needed tutoring and that was my understanding, that they would be working with young people who had been absent for substantial periods of time and needed this to bring them up to par.

Mr. Stocks. Can you give us, for the record, the agency that the Federal Executive Board was in contact with so that we might complete this matter in our record?

Mr. Gibson. I had a—I had to go to Washington. I just flew in and I was in the office when I was told I was coming ahead of time. I had a booklet that had this particular information in it. One of the things we did was print up for distribution throughout all the Federal agencies to every individual through the cooperation of GSA, this particular booklet was placed on everyone's desk at the end of a particular day. GSA provided the printing. The FEB personnel did the drafting of what went into that particular book and that was what we used as our guide. I want to say this: Is that—

Mr. Stocks. Let me—can I interrupt you just a minute?

Mr. Chairman, I have here a document called "The Volunteer Tutor Program in the Federal Executive Board." I'd like to introduce it for the record.

Chairman Flemming. Without objection, that will be done.

Commissioner Freeman. Are there other copies available?

Mr. Stocks. Yes.

Mr. Gibson. We—there was amongst the policy committee members a great interest in this kind of activity. There was a great interest in wanting to do something in the situation, but no one—this being new to everyone, no one knew exactly how we would best relate to it and everyone was very comfortable with this—these first steps that we had made. And as a result of the distribution, as a result of some of the heads of agencies taking initiative on this issue of administrative leave, etc., our position was that we thought it was a good program, it was a good opportunity if people wanted to participate in it, but that each agency had to check with their own agency on its policies with respect to the granting of administrative leave or whatever for people who wanted to volunteer, because we saw that as a—perhaps an inhibiting factor, that people might want to do it, but because of not having ample annual leave time available of their own, that they couldn't well do it. As a result of this program, we had, I think, 23 people from HEW. We had 10 people from the Post Office. We had 2 people from the National Credit Union Bureau and we had 2 people from the Corps of Engineers is the most current figures I have available to me, actually engage in this program.

I must say this: At some point in time a rumor was spread that, if any Federal employee were to go out into the Boston schools, they would be looked on as Federal employees and perhaps subjected to some certain harm as such. Well, now, we checked that out and we quickly learned that there—the service that they were going to be rendering would be warmly received and welcome. And to my knowledge, for those who served in this program, none of them experienced any negative incident.

Mr. Stocks. I'd like to ask you both, what plan and what activity do you see your respective group, the Federal Regional Council and the Federal Executive Board, taking in Phase II providing you have the opportunity to draw up those plans? What would you do?

Mr. Hays. Well, like Bill Gibson referred to, we are in the process of developing our work program which will commence the beginning of next month. I think that the Federal Regional Council, really its only role that can be played is to make sure that the agencies who comprise, are they themselves doing the kinds of things that they have the statutory authority to do? We are not a funding agency. We are not an operational agency. We have no funds of our own. The only staff that the Federal Region Council has are staff provided by the member agencies. So that as a Council, we are very limited in terms of what we can do. However, what I intend to do as Chairman , and I'm sure Bill Gibson intends to do, and that is to make sure that we're on top of the situation, that our member agencies are doing what they legitimately and statutorily can do. I would suspect that we will seriously consider Bob Fulton's suggestion of putting together a task force. Beyond that and beyond holding occasional meetings of both the Council and the FEB to discuss it, there really isn't that much more as a Council entity that we can do.

Mr. Stocks. Mr. Gibson?

Mr. Gibson. Number one, I intend to maintain the liaison relationship and perhaps now that we've reached this point, let it be known a little more widely of my personal concern in this particular area, so that people who may have ideas will feel that they have another outlet to perhaps bring them to the Federal establishment's attention, not with the guarantee that they will be resolved, but at least they will have another key Federal official who has access to all the heads of agencies available to share and directly get their ideas to the right places and perhaps cut down on some of the time that happens in bureaucratic operations.

Number two, we will, of course, review the plan that Bob Fulton has submitted to us for this task force and take whatever action is appropriate based on the policy committee's decision.

Number three, at present, our committees are all starting to gear up to develop their work plans for the coming year and I cannot say what they may be thinking about in this particular area. There may be some things in there that will come up that will be helpful. The third [sic] thing is that it—as the head of this particular agency, I assure you it will be our—we accept it as our responsibility to bring before the policy committee any reasonable proposals for our—for them to review it and, if necessary, to establish special committees, special task forces or whatever, so that we can find ways in which to meet the needs, or help to resolve the problems presented by these particular matters. We are, as I said, a voluntary body. We do not have funds, but we have in this region, I think, some of the finest officials you could have, some of the most committed people you could have, and with commitment and with talent, I'm sure that we will find ways to meet the challenges as they are presented to us.

Mr. Stocks. Do you think the tutorial program will be continued next year?

Mr. Gibson. I think it would be. I think the fact is that it hasn't been, the results of that haven't been publicized throughout the Federal family and now that we'd had what I think is a success, I think we will see more people perhaps coming into play in this regard.

Mr. Stocks. One more question, Mr. Gibson. I understand that you have just come from a meeting of Federal Executive Board directors from around the Nation and that that meeting involved the setting of priorities. Could you briefly describe the priorities that were set at that meeting and did they have any relationship to this hearing?

Mr. Gibson. The national priorities that were discussed there haven't been firmly fixed, as I understand it, but will be after the key people in Washington meet and review our comments and reaction within the area of aging, the area of minority business opportunity, in the area of personnel management, in the area of energy conservation. In fact—

Chairman Flemming. Might I suggest, Counsel, the results of that meeting will be put into a document by the Office of Management and Budget and it's that document that we can enter into the record in response to that question.

Mr. Stocks. Fine. I have no further questions.

Mr. Gibson. In fact, we were looking forward to hearing Dr. Flemming on the aging problem since he was here.

Chairman Flemming. I think both of the bodies that are represented here have some things in common. As has been stressed, both in a sense are performing voluntary activities over and above the normal duties and responsibilities of the people who serve on these bodies. The Federal Regional Council, of course, as you have indicated, Mr. Hays, was brought into being in the 10 Federal regions in the hope that there will be more effective coordination of resources and programs that deal with people. I am glad that Mr. Fulton, the Regional Director of HEW, has recommended that the Federal Regional Council here give consideration to the establishment of a task force which might make it possible for the Federal resources to be focused in a constructive way on the Boston situation more effectively than would otherwise be the case. Of course, the Federal Executive Board, as has been indicated, is a much larger Board, because it does comprise all of the Federal agencies in this particular area.

Now, I noted with interest some of the things that have been done, some of the things that are under consideration. I'm wondering if at either meetings of the Federal Regional Council or the Federal Executive Board consideration has been given to including in what might be called the house organ, and most agencies have something resembling a house organ, what might be termed a factsheet on Phase II, so that the Federal employees understand what the court order is and understand what steps have been taken in connection with that court order. As we listened to testimony, we have the feeling that one of the—I won't call it a problem, I will call it an opportunity—that exists is making it possible for persons to understand the facts, the court order, for example. I don't know. Do either one of you know the total number of Federal employees in the area?

Mr. Gibson. No, I don't.

Mr. Hays. I don't.

Chairman Flemming. I haven't seen—but in any event, it's a sizable number of persons who are living in the area. Has any consideration been given to that possibility?

Mr. Gibson. I didn't mention it, but we feel that one of the key roles that we can play in any of the things that we do is to be informative. And we have—we send out continually some special materials that come to our attention that we feel—that is, I as an individual feel should be brought to the attention of the Federal executives and to their employees. Some of the materials, because of cost factors, are printed up and are sent to the directors with several copies so that they can post one of the copies or have additional copies run off. are so important that we will then run off a special printing as we did in this situation, and have that distributed.

Chairman Flemming. So this would be a possibility?

Mr. Gibson. That would be a possibility, yes.

Chairman Flemming. I think the—we should understand that the two gentlemen here as witnesses are simply chairmen of their respective bodies. They have no authority to make decisions as chairmen. It is something that they have to take up with their respective bodies who represent their peer group as far as Federal executives in the region are concerned. All right, did you have something?

Commissioner Freeman. Yes, I did.

Chairman Flemming. Go ahead. Commissioner Freeman.

Commissioner Freeman. I would like to pursue the point that the Chairman was making, because even though you may not have any specific authority, you do have a position, both of you have positions of influence in this community and the Federal employees who work for the Federal agencies, for the most part, live here in the city or in the environs of Boston. And if you have heard any of the testimony that has come this week, you know there certainly is a need for some clear thinking and there is some need for leadership.

And the tutorial program, while it might seem rather unrelated to this, becomes very important because of individual employees who live and work here are judged also not by what they say, but by how they live and by the things that—and also by what they say. So, I would certainly urge each of you to continue the work because there's a long road to hoe and a lot to be done.

And I just want to say, as one Commissioner, that this city certainly needs every bit of all of the resources that would be available to it either in a voluntary way from the nonofficial Federal employee as it does need it from the—from the official capacity. I have no questions.

Chairman Flemming. Thank you. Commissioner Saltzman.

Mr. Gibson. If I could make one more statement.

Chairman Flemming. Yes, surely.

Mr. Gibson. Being a Federal official, sometimes you have to—you get schizophrenic. You're a citizen and you're a Federal official. I want the Commission to know that both Dave and I have a personal commitment to this thing, because this is our region, this is our home, and that I personally do go out into the community where I have lived and I have related and I have access to nearly every one of the people who are directly involved in this that we are about to undertake. And so that you can rest assured that you have a chairman of the FEB who has a deep-seated personal interest in this, which means that I will use my intellect and what influence I have to affect the kinds of things that we all want to bring about in a legal, just, fair, sensitive way, whether it's through the Federal family or whether it's through the private citizenry.

Chairman Flemming. Thank you very very much. And again, we do appreciate both of you coming here and sharing your views, your plans with us and it's heartening to know that you are focusing on this very basic issue in this way. Thank you very much.

Mr. Gibson. It's been a pleasure.

Mr. Hays. Thank you.

Chairman Flemming. The hearing will be in recess for 10 minutes.

[Recess.]

Chairman Flemming. The hearing will resume.

Mayor White, would you stand?

[Whereupon, Kevin H. White was sworn by Chairman Flemming and testified as follows:]

STATEMENT OF KEVIN H. WHITE, MAYOR, BOSTON, MASSACHUSETTS

Chairman Flemming. We're delighted to have you with us. We appreciate you coming.

Mr. White. Thank you.

Chairman Flemming. Counsel will address some questions, or whatever arrangement you've worked out with him.

Mr. White. Well, I guess—I don't know what the arrangements may be to read a prepared statement and very briefly.

Chairman Flemming. Okay.

Mr. White. And if at any point—

Chairman Flemming. You proceed in any—

Mr. White. —you want to interrupt me and tell me to stop, I'll be glad to.

Chairman Flemming and members of the United States Civil Rights Commission, I'd like to thank you for the opportunity to make a brief statement at this time and I will restrict my opening remarks to a very few minutes.

I believe that we all share a sense of the best route to understanding the nature and the scope of the desegregation process here in Boston and indeed across the Nation is to pursue full and open dialogue among all parties involved. In the time that I have at the outset, I would like to summarize my views as mayor who presided over this city in the past very difficult year and provide my assessment of the difficulties we face as a city.

First, I would like to outline three specific tasks I assumed. First, my major responsibility was to maintain public order and public safety, secondly, to facilitate cooperation and communication among all factions of controversy and all parties to Boston's desegregation process.

I tried to remain during that time available and responsible to the legitimate concerns of every Boston resident and by such action, to hold the city together during this difficult period. To this end, I met over the past year regularly with School Superintendent Leary, the police and court officials, business and community leaders. I personally visited over a hundred homes to talk directly with over 3,000 parents about the court order and the desegregation process that we were facing in the fall.

Three, and equally important, I tried to pursue any and all sources of assistance at the State and, more importantly, at the Federal levels during and just prior to the process of desegregation.

I think that the city of Boston hardly certainly an isolated example of desegregation and as a consequence, it should not bear, in my opinion, the burden of the defining, defending, and directing that issue alone. My own assessment of desegregation is rather complex.

In brief, I believe problems have arisen due to Boston, at least in this city's unique variety and intensity of factors affecting desegregation. Some of them I'd like to state. One, I think our city's age. It's older and our neighborhoods are more ethnic than many in the Nation, not all, obviously. Two, the second factor is that Massachusetts was the only State in the Nation with a racial imbalance law. Boston, I might add, in this regard an autonomous school committee, which means we face the Federal mandate with a State formula requiring a local solution. Ten years of legal controversy also clouded the picture and the timing of the Federal court order a year ago, I think in a way, at least hampered the efforts to formulate and implement the plan, particularly in its initial stages. And the third factor is that the Federal Government, I think, on at least one occasion, I think, to responsibly assist the local authorities in attempting to obey the Federal court-ordered desegregation.

Now, last year in an endeavor to reach out particularly beyond the resources that I had available to me in the city, I personally asked the Department of HEW for financial assistance. Unfortunately, we received too little, I think, too late. We also asked for Federal assistance during the process, obviously, in the form of marshals. And the city was, through its corporation council, refused.

The city has looked, during this process, to Washington for Federal leadership and I think we've received confusing and contradictory reaction. Whereas the courts and Congress and the Executive formerly stood together, I think, on the question of implementing desegregation in this Nation, well beyond Boston, in every city, I think it's fair to say there is neither consistency nor consensus at the national level with regard to busing.

In general, Washington's attitude and position has been, I think, sometimes inflammatory when not indifferent and a hindrance when not hypocritical; mockery can be applied without exaggerated rhetoric to some responses during the height of the crisis as I saw it. But the point I wish to make I think, simply stated, is my honest belief that the Federal Government cannot wash its hands of this national issue, however difficult and inflammatory it is. In my opinion, it is without question the most highly inflammatory domestic issue in America today. And I think it cannot expect mayors to maintain peace in their cities while Washington does not support or help to the degree that I think it could and should.

It cannot expect local acceptance of busing when even the most respected educators and sociologists, men cited by the court themselves, are at least reassessing if not reversing their assessment of the merits of busing.

Lastly, I do believe very strongly with the members of the Kerner Commission that this society and no less the city that I am honored to lead as its mayor cannot long survive racially divided into two parts, separate and unequal. But the time has come to ask whether the kind of desegregation being ordered by the judge today moves us closer to or farther from the goals of racial equality. One needn't be a sociologist or educator to know that mixing disadvantaged urban students of all races is a form of integration least likely, in my opinion, to succeed, a view, I think, shared by other mayors, black and white, across the country. And it is an unfortunate fact of life that the kind of social and economic integration that might make a difference educationally, at least is not possible in the immediate future within Boston's boundaries, in my opinion. Furthermore, the tragedy is that the present plan may prove to be counterproductive. And I want to say parenthetically, I hope not.

Next year, largely the consequence of Judge Garrity's order, it is entirely possible that the majority of our schools, certainly from the first to the eighth grades, will have predominantly minority enrollments. Busing is, therefore, not the key to equal protection promised American children by the Constitution. Just, I think, as schools will no longer be the keystone of genuine significant progress towards equal opportunity, at least not solely within the confines of the core city. Time, money, energy go to buses rather than schools, at least over the last year it has been our experience sadly in Boston.

Time, money, and energy has gone to the police costs rather than the neighborhoods and into preserving suburban economic and social privilege rather than fairly distributing our collective resources as a society.

I don't want, in these brief and hurried, but thoughtful—hopefully thoughtful remarks, want to end on a pessimistic note. But I cannot in good conscience remain silent while the Federal courts in the name of a goal which I support, which leads only potentially to more segregation. I do not believe that the present court order will destroy this city. I want to make that clear.

I think the city is too strong. But neither do I believe that desegregation as Judge Garrity has ordered, desegregation that stops at the city limits, will achieve the goals of racial equality or necessarily end prejudice—a goal all of us seek.

Desegregation as now ordered for this city may prove no more than a cruel hoax on those it was intended to benefit. I certainly hope not and will do everything within my power as long as I'm mayor and long after to make sure that these fears do not become a permanent reality on this city. Because it would make us all losers. Unless we find a true path to racial equality and social justice, there can be no lasting peace for anyone in this country, in this city, and no integrity to a Nation for the principles for which it stands.

Thank you very much, Mr. Chairman, for allowing me that time.

CHAIRMAN FLEMMING. Counsel, do you have any questions?

MR. ALEXANDER. Mayor White, before we begin questions, could each of the gentlemen accompanying you identify themselves for the record?

MR. WHITE. Yes, on my right is Robert Schwartz, an advisor to the mayor in the mayor's office. To my left is Peter Meade, who is head of the little city hall program in the city of Boston.

MR. ALEXANDER. In the closing part of your statement, you referred to doing everything within your power as the mayor of Boston. Could you define for us what in particular is your power in relation to the school committee and the school system?

MR. WHITE. Very little. That specific relationship?

MR. ALEXANDER. Yes, sir.

MR. WHITE. The school committee is elected separate and independent of the mayor by five members at the same time the mayor is elected. They are free and autonomous of any supervision, actual or otherwise, by the mayor. It is probably the only branch of the city government in which the mayor has virtually no authority or influence, except budgetary. In that regard, we have a right to submit the budget and they have a right to increase that budget 10 percent over the appropriation of the past year and that's the limit allowed unless the mayor approves for more funds to be allocated.

Mr. Alexander. In relation to law enforcement, however, you are the responsible elected official in the city, is that correct?

Mr. White. Yes, I am. Under Commissioner di Grazia. Prior to that I was not. The police commissioner of the city is appointed for a 5-year term and I state that only to clarify a future position that might occur and that is, if a new mayor came into the city of Boston, he would not necessarily have influence over the commissioner. The term is not coterminous with the mayor.

Mr. Alexander. Okay. We have had testimony previously that the police department in the Phase I plan adopted what is known as a low profile philosophy of law enforcement. Did you have input into that decision?

Mr. White. I'm not sure that I agree. Could you tell me in a timeframe. I'm not being legalistic about this, but—

Mr. Alexander. Okay, the timeframe being the opening of school in September 1974. This would be decisions that former Deputy Mayor Kiley referred to that had been made in the spring and over the summer of 1974.

Mr. White. Well, I wasn't conversing with them personally, not to escape responsibility for that decision, but Deputy Mayor Kiley worked with the police department to work out a plan in preparation for the desegregation in the fall. He did that in the spring as he probably testified, in the summer of last year. I became personally aware of those plans in final detail in about the last week. If I remember correctly, and about 3 or 4 days before the opening of school in a review, I listened to the, at least suggested allocation of police details and I can't remember the number assigned for South Boston, but I increased it and on the opening day of school, there wasn't a low profile in South Boston. I heard there were close to 300 police, which is an exceedingly high profile. So, if there was a policy, I overruled it to the extent that I specifically ordered Superintendent Barry to increase the numbers. And that much I'm sure of, but how much—I don't know the specific number.

Mr. Alexander. Following on law enforcement for a moment, on May 11, you issued a statement to the effect that you were asking the police department to review Phase II and determine what the increased cost would be for the city. Have you received such a cost estimate at this time?

Mr. White. I don't know whether the staff has. I haven't personally myself. The answer is no. I'm sorry, no.

Mr. Alexander. Assuming that there are significant cost increases, what would be the avenues you have available to you to fill those cost needs?

Mr. White. Prayer, I suppose. I'm not being facetious. I have no Federal avenues available to me to my knowledge. I can stand corrected on that matter. I do not have any guarantee of supplemental help from the State, although I did have some understanding with some State officials, particularly the former Governor, for help during the first stage. It would have to be borne almost exclusively unless I had something that I don't now anticipate from city funds.

Mr. Alexander. There are also in terms of law enforcement planning and is some confusion in the testimony that hopefully you can clarify—last year the neighborhood city hall concept and teams were used fairly throughout the city as law enforcement coordination and other planning mechanism. That mechanism has not yet been implemented, it is my understanding. It was Mr. Gartland, who is the chairman of the CCC, indicated this morning that he did not see his organization fulfilling that role and he believed that that responsibility still rests with the city officials. Could you indicate whether such teams will, in fact, be started?

Mr. White. Well, if I might just make a quick general response. Let me say to you I accept fully and without any diminution of responsibility that I had in the fall, I will have again next fall. And the resources available to me, and that includes the police, to the questions of public safety and implementation, will be as readily available as they were in the—last fall, which was almost the total amount of resources that we could bring to bear on the problem.

The only point I wish to make in this regard is that the difference is that although that responsibility is mine, I was assuming under the new order that the citywide council under the judge obviously would give us direction and, if they decreed or decided that they didn't want that, or they wanted less visible means of police surveillance, then obviously, I would try and comply. It is supposed to be representative of both the court's wishes and the community.

Mr. Alexander. In your other areas of responsibility, what function can the mayor's office throughout—through the little city halls or any other resources available to the mayor's office, what function can it have in terms of public education, in terms of what the Phase II order is, and what are the responsibilities of individual departments, and what are the expectations that parents can have? What is the mayor's office role in this setting?

Mr. White. Well, in degrees, not considerably different from last fall. I think the first thing is obviously to make whatever resources, financial, that is, money, available. Despite the fact that we have almost a confiscatory tax rate. I have not stinted in the allocation of funds and I've made it clear to the departments that will work supplementally with the citywide coalition, or committee that money will not be an inhibiting factor to their performance. Secondly, in the area of public education, there is the efforts of the committee itself on meeting—I'm meeting with Mr. Gartland shortly. I have not, I must confess, given the time that I gave last year on the coffee hours, which was extensive as I've ever done in my public life. Not to be overly dramatic, it's just that there are other factors and—

Mr. Alexander. Could you indicate where these coffee hours were held? Were they in each section of the city or were they only in the schools to be desegregated? Were they both in the white and black community?

Mr. White. I sometimes forget. They were generally. I would have to say to you they were broken into two phases. They were over the city, but there was an emphasis and a concentration in Hyde Park—this is in the first stage.

Mr. Alexander. Yes.

Mr. White. West Roxbury and Dorchester. But there were ones held in South Boston and in the black community. Since December I have been to probably 38 coffee hours in the north and east Boston, Charlestown, trying to anticipate the next stage, and the primary purpose was to try and explain, to alleviate fears and apprehensions and suspicions, and to educate on a personal basis the ramifications. I'm not—I don't have a feeling that I answered as specifically as you would like. I met with business leaders, which I did, as a matter of fact, this morning, not in anticipation of this.

Mr. Alexander. Were there particular lessons that were garnered from the hundred or so coffee hours that you learned that were translated into the mayor's policy?

Mr. White. Yes.

Mr. Alexander. Could you give us an example?

Mr. White. There were a number of lessons. I learned a great many personal lessons. If it had one salutary effect, it is that I felt that I knew my city as well as anyone, having been in so many homes and listened to so many people.

The first thing—the greatest lesson, or shock or surprise, however you define it, born of the coffee hours was the lack of understanding and knowledge. The incredible confusion. There was—you would anticipate fear, apprehension, suspicion, but total misunderstanding—an example of that would be as late as, oh, maybe a month ago, being at a coffee hour and having somebody say to me, obviously antagonistically, but, "Why doesn't Governor Dukakis fire Judge Garrity?"

That may seem like humor, but it's a deeper, more disturbing illustration of a problem and that is the public awareness of how this all came about and what it means and what it is meant to accomplish.

Mr. Alexander. Is there a factsheet or a public information service that the little city halls, or any other apparatuses the city could perform in this area?

Mr. White. Well, yes. I was going to say we set up, as you know, the teams.

Mr. Alexander. Yes.

Mr. White. This year we can serve as distribution points and effective distribution points with the CCC, but it requires their input in decisionmaking and I really don't believe that that has occurred sufficiently yet and I would hope that we can expedite that communication between them and my little city halls, or they themselves.

Mr. Alexander. On the point of the Federal district court's authority, what has been the cost to the city in terms of the various appeals in the Phase I and Phase II process? Give us a ballpark figure.

Mr. White. I would say about $300,000.

Mr. Alexander. Is it your view now that all appeals are exhausted?

Mr. White. Fairly much. I don't—I wished I had checked with Mr. Gleason—I'm sorry—the final stage of the last appeal. But we spent close to $225,000 on the appeal through the State courts and the Federal courts and we allocated $50,000, I think, plus $25,000, although this is ballpark figures, to the Home and School Association.

But I would say, yes, at least it's my feeling from a practical matter, without question, it's not going to be a integral part of our decisions for the fall. I think that they're going to come and I think that's accepted even by those taking the appeals.

Mr. Alexander. Shortly after the issuance of Phase II, you indicated in a statement that it was your belief that order, in a sense, assured a continuation of tension and perhaps hostility in the statement—would be on May 10. What can you do in your role as mayor to lessen that hostility and tension in the city? What are the steps that a mayor in an urban setting can take in this situation?

Mr. White. Well, I wrestled with that a thousand times and a thousand nights. I might say to you, interestingly enough, I met in a seminar in preparation last year to better understand what was ahead of us. I held a seminar and invited with my staff and invited the superintendent of schools of Prince George's County, Seattle, Rochester, Pontiac, Michigan. And again, not to be a bit facetious, I remember the advice that they had given to me very strongly was, "The mayor should get as far away from the problem as he possibly can if he does not have direct control and responsibility over implementation." That is not a posture I thought I took. Quite the contrary. My role has been varied. It has been to serve as a catalyst, to try and bring parties, sometimes unsuccessfully, together, to spend long hours without seemingly over heroic, being overly heroic with all sides to listen. I think listening is an integral part of the process that wasn't done in the early stages.

More than once I tried to remind myself that my most difficult role was to remain in the middle without becoming neuter. No man's land is not comfortable and never in the political process and the neutrality of which I speak, it was not to try and align myself with either side conveying a sense of public rejection of the other, outside of violence; I want to make that clear.

It wasn't vacillation. It was to make it clear that I would try and listen as objectively as possible to the cries of anguish on all sides and respond as well as I could. I'm sure, and I don't say it with false humility, that I made more than my fair share of errors in judgment, but the one point I think I tried to convey to Judge Garrity unsuccessfully, but strongly, in the second week of the crisis, was that I found myself faced with trying to implement a Federal court order with basically city ordinances. And that sometimes was like trying to—

Mr. Alexander. Could you clarify that?

Mr. White. Well, yes, I could give you a specific illustration. For example, I felt that a number of public meetings were and could become inflammatory. If you remember, in the early stage of busings, parades and meetings were popular. I tried prior to busing to make them available at all times and to assist in public expression. The last one, I believe, to be held was the one just prior to the opening of school in which the Kennedy incident occurred, but I wanted to give full expression. There was a point, though, at the height of the crisis, when I began to think public meetings, at least in large numbers, were detrimental to the sanity and the emotional stability of the community. But my only vehicle was a—was a $100 fine or less than that. And that was certainly not anything to force those that might be apprehensive of punishment due to a violation if the city law.

Secondly, I wished I had, and I don't mean to be disrespectful, but I wished I had as many marshals that are around this building today last fall. A public—Federal public presence, I thought, was important into the understanding, not only the [inaudible], but the recognition of their presence, I thought, was important. That was a vehicle I wished I had available. I think with the local police, although they tried very hard, I think their presence sometimes was taken more casually than possibly the appearance of marshals might have done.

That was my request primarily to center the public's attention on—that we were dealing with a Federal order and as mayor, I was going to uphold it. Is that because I speak too close to that, or—I'm sorry, Mr. Chairman.

Chairman Flemming. I appreciate—can we—did you hear the question? The engineer is asking whether anyone has a speaker on, is that right? Or a recorder? Let's try it now and see how it works.

Mr. White. Okay. Thank you.

Mr. Alexander. I have one final question at this time. In your opening statement, you indicated that it was your belief that pupil transportation, which you termed "school busing" was not the way to achieve equal protection in the area of education. How would you propose to achieve 14th amendment rights?

Mr. White. Well, first, I was addressing myself primarily to—well, there are conflicting terms here and I don't want to deal with semantics. I want to address your question directly.

Quality education was foremost in my mind when I was responding to that in my opening statement. Obviously, equal protection is given by equal facilities and quality facilities at that. I felt basically, and I still do, and I share this not by way of a crutch with Coleman Young, who was my colleague in Detroit, that to bus children, disadvantaged children or children around in one system that is not of the quality I believe it should be does not, in my opinion, improve the education.

I don't think we have pockets of good education in the city, with the exception of Latin School and some of the schools, but overall, I think the improvement—there's great improvement within the system. I would like to submit a paper that I gave on this matter before the legislature in April of '73. My remarks are the same, but I'm trying to condense it quickly in my mind as I respond to you. I'd like to submit it for the record.

MR. ALEXANDER. Mr. Chairman, I'd like that entered as an exhibit at this point.

CHAIRMAN FLEMMING. Without objection, so done. Happy to do it.

MR. ALEXANDER. Thank you.

MR. ALEXANDER. Mr. Chairman, I have no further questions at this point.

MR. WHITE. Thank you, Mr. Counselor.

CHAIRMAN FLEMMING. Mayor White, listening to your opening statement and listening to your testimony, I go back to the statement that you made in response to one of the questions just a few minutes ago, namely that you assume that the law, as far as desegregation is concerned in Boston for the coming school year, will be the opinion that has been rendered by Judge Garrity.

MR. WHITE. Yes, I do.

CHAIRMAN FLEMMING. And that all planning has to take place on that assumption.

MR. WHITE. Yes.

CHAIRMAN FLEMMING. You also indicated the feeling on your part that the, looking ahead to the implementation of Phase II, the Federal Government couldn't be of assistance, not just to you, but I mean to the city, because I recognize that a good deal of the operating authority and responsibility rests with the school committee. But I certainly appreciate your overall concern for everything that goes on in the city without regard to what your specific authority may be. And I was just wondering if you could help us by indicating some specific things that you feel that the Federal Government could do to be of help. I might, I suppose, say exclusive of money—

MR. WHITE. You saw the smile, Mr. Chairman. That's not fair. That's your experience over the years with mayors.

CHAIRMAN FLEMMING. I saw you. I knew that that would be number one all right. But that's all right, go ahead, spell that—now, we have had testimony, for example, earlier today, about an application that the school committee has made to the Department of Health, Education, and Welfare for what, as I recall it, is $9,300,000. And that application is pending in Washington at the present time, and as I understood the testimony, you will get an answer on that within the next few days. But I was really trying to just see if we could establish a frame of reference here in terms of the specific kinds of things that you think the Federal Government might do to be of help.

Mr. White. Can I just touch very quickly, I don't want to lament always about the problems of money and I know that you—

Chairman Flemming. No, that's important.

Mr. White. —base this on your years of service and have been of great assistance to cities such as mine across the country and with other mayors.

I do want to say two things about the fiscal side of the problem. One, it does seem to me unfair, even if guilt has been judged, for the people within the city to carry the staggering cost of desegregation, because it falls inevitably without help on the shoulders of those least able to pay. And that is just a bare and dramatic fact of life. And so that financial help is not always an answer, but It's—in this case, it certainly is a concern. And secondly, on that point, I've increased the school committee budget by almost a 100 percent, maybe more, since I've been mayor in the last 7 years, and just last year, I increased it by 7 percent while I cut everything else in the city by 7 percent, basically the work force. So I really tried to give money to the area, but the resources are limited and the burdens are staggering to those who must assume the cost.

Now, the main part of your question, Mr. Chairman, your presence today is helpful, and I don't say that by way of idle flattery. It has a way of bringing the dialogue in the open to impress, I think, on all of us that it is the will of the court and it is going to be complied with. I would hope that if the police particularly asked for assistance, whether it was in the manner of marshals for contingencies we cannot now anticipate that the dialogue or response would be immediate and the dialogue would be clear and available. It is not always easy to be debating a crisis in a question of immediacy in a courtroom represented by counsel.

I would hope that through the offices of this Commission that the various agencies at the Federal level would make themselves very much available. I don't want to always be blaming others for some of the problems that occurred last year, but I do honestly believe that there was a studied posture of not indifference, but of not wanting to get immersed in this problem. There was at the Federal level, both—within the Justice Department, particularly—born of prior experiences on other occasions in other cities across the country, where they got in and stayed in longer than they wished. I think it's worth the risk. This city is certainly worth it. And there would never be any asking for help, or cry for it if I thought we could solve our problems on our own. That's not only pride, it's my conviction that if we can do, we should; it's our responsibility and I will use, as I told Counsel, all of the resources available to me.

In the last analysis, probably what I would hope for most from the Commission beyond an evaluation of what occurred from here would be a redefining of what should constitute the Federal policy, because I think it has become blurred and confused, maybe not intentionally, but court decisions in Detroit and Colorado can leave you with different interpretations as to what the disposition of the court might be over the immediate future. The Federal commitment to metropolitanization of this problem, I think, is important, or at least a defined position, I think, would be more realistic to the achievement of the goals that counsel suggested earlier, whether it's quality education or equal opportunity.

CHAIRMAN FLEMMING. Thank you very much, because testimony of this kind is helpful to us as we work on the problem of developing findings and recommendations.

Mayor White, we have been impressed with some testimony that we've listened to over a period of the past few days which points to some very constructive developments in some of your schools as a result of operations under Phase I. Now, I'm sure these have been called to your attention. I'm sure undoubtedly had the opportunity of finding out first hand about these developments. I'm just wondering whether you'd want to make any comment on that aspect of what has happened over the last school year.

MR. WHITE. I don't mean to be evasive nor do I want to be seen as political posturing. I really haven't had sufficient input. I have, suprisingly enough, I have made it a point sometimes in face of considerable hostility to go to every section of the city. I have refrained from going to schools, by and large, not wanting my presence to appear either interfering with the process of education because it is not within my domain or grandstanding or to incite by my presence.

Outside of that, I have talked to almost all groups and there is conflicting opinion, obviously, on the point. I honestly believe probably, it is too early to make a final judgment as to what the ramifications of the acts that we're pursuing now and have over the past year. But even though my public posture was against busing as a vehicle, I honestly hope that it does work out.

CHAIRMAN FLEMMING. You haven't had put before you the kind of evidence that would make it possible for you to identify schools A, B, and C as schools that have really moved in a constructive way—I won't call them model schools as far as this is concerned because I don't imagine any school, hardly, in the country would be regarded in that way—but I mean schools where reconciliation has moved forward, where quality of education has improved and so on.

MR. WHITE. I've had one personal experience. Now, I—at Dorchester High, I found out in the height of the crisis, I found a student body, by and large, that had worked with the problem, had in greater measure than I anticipated adjusted to it, set an example, I would say, to some us.

I think in no small measure—this is a personal observation on reflection—that it was due to familiarity with one another. It was on the borderline of where you have a mix between black and white by way of, what's the word—residential housing patterns and neighborhood changes. But the tension was less and the adjustment was quicker than in those areas obviously in which there had been no exchange of dialogue before. So that at Dorchester High, it could serve as an example of encouragement once the communication begins. I have not talked to Dr. Reid, who I consider the minor if not major hero in the peace, without qualification. He needs none from me, but you bring it to mind by your question.

And last but not least, on all peaces like this, there are minor heroes and from the least expected quarters. One of the difficulties in making a proper assessment, Mr. Chairman, I think is there is now a transition between superintendents and I have not had a dialogue with Superintendent Leary by way of summation of the events of the last 7 months and I did talk with the new superintendent, but I don't think that she has had an opportunity to fully apprise herself of all the facts. I'm sure she will in time.

CHAIRMAN FLEMMING. We had the privilege of listening to testimony from her this morning. I'll now turn to Commissioner Horn.

MR. WHITE. Thank you.

COMMISSIONER HORN. Mayor White, I am impressed by much of your testimony because I know you have a very difficult problem as you do not control the operations of the school committee or the school system, although you essentially are responsible for paying the bills and balancing the accounts on behalf of the people of Boston. You mentioned you had various meetings with business leaders, including one this morning. Is your feeling that the business community could have been much more active in Phase I in working together to carry out the law as it was in Phase I? Did they do enough?

MR. WHITE. My hesitancy is simply, one, I don't think they were asked to participate as fully as they might have wanted to, but I don't know their response, what it would have been, because I didn't include the business community in my preparations, by and large, and I would like to tell you why, Mr. Chairman, if I might. And that is, even this morning, I feel very strongly that much of this problem has to be solved from within the neighborhoods and from the people affected by it and the business interests in the neighborhood, obviously at the local level, are the local merchants, but I thought your question was addressing itself, by and large, to the downtown business community, and I am not sure that their presence would be significant.

It might have been helpful. It might have been an omission on my part. I can't make a judgment because I didn't ask them. I kept them apprised of the situation. I asked whether they would be ready to give supplemental funding if I needed on a given occasion and they responded almost unanimously affirmative, that is, if a given program had to be funded or whether someone could help out by making, oh, something available to us.

But by and large, as a corporate group, I did not solicit their aid, and I'm not—I don't know whether that was an error or not. My own conviction of the moment is that this has to be solved by those of us who live in this city on a daily basis.

Commissioner Horn. Well, I'm aware of their vulnerability since the chief executives of most of the firms are living in the suburbs and I appreciate the dilemma you faced in that category.

I wonder with Phase II, do you have any plans to call together the leadership, though, of the major businesses in the city of Boston regardless of where they live, the leadership of the major labor organizations in the city of Boston and other groups that cut across the various neighborhoods in an attempt to secure the mobilization of whatever moral force and authority they might have to see that the law is carried out?

Mr. White. Yes. The answer is yes to that question. I—the key word you brought, the question "moral force." I believe that the leadership, you mentioned the unions, are the business community, what constitutes with a broad stroke of a brush the opinion molders, are hopefully going to meet with the CCC and its membership in Phase II and through a process of either pairing off or in a process of making pronouncements that are helpful that I'm going to try and facilitate that in any way the CCC would like me to and Mr. Gartland has me available for those purposes.

Commissioner Horn. Obviously the premise behind these questions is not merely to preserve the peace and the public safety, but business and labor have a major stake in the educational products produced by the Boston school system.

My own State of California is the eighth-largest economy in the free world and I would argue that it is directly related to the investment they've made for a century in public education. So that's what I think both you and I would share as a premise for getting them deeply involved since their own economic self interest is also, although it's a little indirect.

Mr. White. I couldn't agree with you more. I—my major argument with all business leaders is that, and in deference to my former colleague, John Lindsay, and present one, Abe Beame, I used to argue that the exodus of business from New York was not because of taxes, it wasn't environmental, it was educational; that they did not have a supply of personnel brought along by the public school system, or it hadn't kept pace with the demand for the resources business needed.

And that was one advantage Boston had and that's why pouring public monies into a school system in the long run was directly related to our economic health. I am convinced of that. I built 20 new schools which would be equal on a per capita basis of 133 in New York in just the last 5 years, and have tried to sell business on my marketing our bonds on the basis that you just stated: Education is fundamental to economic growth in a city today.

COMMISSIONER HORN. Mayor White, you mentioned during your remarks the lack of understanding and knowledge, really, about how some of the fundamental processes work including even the appointment of Federal judges. Have you contemplated the possibility of going to the people of Boston through the television media and having a fireside chat, if you will, about the complexities involved and about the assurance of the city government to see that the laws of both the city, State, and Nation are carried out?

MR. WHITE. I've wrestled with this problem all last year. The reason that I went into the neighborhoods back in the spring, and in answer to Chairman Flemming's question, I tried to target the areas concerned on a basis of education without the media, without the press. I felt that if I came with them my motives would have been suspect. And so that there are at least 300 antibusing people, because I went to the homes of people who by and large were acknowledged as antibusing leaders, I tried to. And they—they, I must say, gave me the courtesy and the hospitality and the time in which they listened. One had me back twice, not that I converted or convinced, but allowed me the opportunity.

That was long and arduous and it was not public. Just prior to the opening of schools, I went on television as thoughtfully as I could to try and say what was at stake and why I hoped despite differences of opinion, we would comply in an orderly fashion, stating my own views, but fighting very definitely for an orderly implementation of the process.

I wasn't dissuaded from doing it again, but obviously my words didn't convert or captivate my audience based on the events that occurred in the first 3 months. One thing that was done—one thing that shouldn't be done, I think, at this stage is to lecture. And the process of education in the turbulence and the emotionally charged atmosphere and now add a campaign to the ingredient makes it very, very difficult to carry on a dialogue, whether it's on a personal basis or my addressing an audience via the television for 30 minutes.

I do try and drive home simple messages, simple truths are inescapable for this city, and if I think my words can some—have some temporizing effect, then I won't stint in making an effort in the fall to speak again, but I don't want to grandstand it either.

COMMISSIONER HORN. Yes. Well, I can appreciate that, Mayor. You mentioned the situation where you had requested outside assistance and we've had other witnesses that have testified, that said they felt there should have been a greater Federal presence to aid in enforcing law and order. In fact, one witness, as I recall, said, "It's too bad the FBI didn't operate in South Boston because when they pick you up, you just disappear."

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Now, you've mentioned you have a $100 fine you can impose if an individual is disturbing the peace, I imagine, in South Boston. And what I'm curious about is, have you contemplated for Phase II the situation that did occur in Phase I surrounding the South Boston High School where hundreds of individuals, parents or people who had nobody in school, bystanders were gathered shouting obscenities, throwing stones, which obviously disrupted the education that was going on with the school, have you contemplated instructing your police department to say, "I don't care if there is only a $100 fine, if they're there at 9 o'clock, pick them up, fine them. If they go back at 10, pick them up and fine them," and letting the crowds know that the city of Boston means business and they don't intend to have a mob shouting and screaming and throwing rocks at buses or students who are seeking an education. And I wonder what your reaction is to that?

MR. WHITE. Well, first, I want to make it clear that I have never interfered with the operations of the police department in my 7 years, but in those first 3 weeks, I have to say unequivocally I was there constantly. I felt public safety, black or white, was absolutely mandatory. And I wouldn't support those actions and I would fight them with all the resources I had available to me and without, again, being overly dramatic, at great political risk, I wouldn't tolerate them for a moment, nor do I intend to in the future. I don't think any mayor should, regardless to what his public or personal philosophy is.

I might make a point here, Mr. Chairman, we don't appoint at the municipal level judgeships either. The judiciary is not at the municipal level, as in New York, within the control of the appointment powers of the mayor, although the current proceeding justice in the South Boston court I know, but would not interfere with his relationship. So, when you say apprehend and then fine—

COMMISSIONER HORN. Well, I understand that.

MR. WHITE. Okay. But those resources would be available.

COMMISSIONER HORN. At least you keep them busy in the courtroom rather than on the streets.

MR. WHITE. Yes, I'd like—the factor I would like to add here that I think is important and that is the man who I think experienced more on the front lines in a law enforcement capacity than any other single individual was then-Superintendent Barry. I don't know—has he testified before?

MR. ALEXANDER. Tomorrow.

MR. WHITE. I have a high regard for him. He lived in and, I think, may still live in South Boston. He had real empathy with the community. He cared greatly and he worked very hard. He's bright and he's intelligent.

As events would have it, he is now in charge of public safety at the State level. He is secretary of public safety. I have talked with his office and I am going to try and make sure that my public police—my police resources are going to be made available to him and I'm going to take a lot of my direction from him. I think he understands and yet he's determined to maintain public safety and we're going to try and work with his agency as much as possible.

Commissioner Horn. Thank you.

Chairman Flemming. Commissioner Rankin.

Commissioner Rankin. Mayor White, earlier this morning we considered the way Federal money—

Mr. White. I didn't mean to, Mr. Rankin. I just can't—I'd like to probably—could I just read—

Chairman Flemming. Sure, go ahead.

Mr. White. —not self-serving, two quotes and then—I'm sorry.

Chairman Flemming. That's all right.

Mr. White. In response to your question of trying to reach the public, they're not earth-shattering, but I'd just like to put them in context, too.

One, after a television address, my "state of the city" message this January:

> We have failed collectively to face very simple truths, the truth that this city is no different from any other, that bigotry and racial intolerance are wrong. The truth that blacks should be allowed to walk the streets of any section and so should whites and the truth that the law must be obeyed unless and until it is changed.
>
> There are also other equal truths but sometimes unspoken truth. Phase I, that is the State plan, is in part seriously flawed. The truth that some children in the city are being denied any education because of the tensions in the schools and the truth that many community leaders, black and white, are more concerned about headlines than heartaches sometimes blaming everyone but themselves.

What I was endeavoring to say was to give balance in a presentation even after the stage one had occurred. The second statement that I wanted to say to you was, again, part of the message that I gave. It was my pledge in September and I would like to tell you that it will be the pledge for next September, I said on public television to every mother and father with a child in school that:

> I pledge tonight that as your mayor, your police department will not tolerate a threat to the well-being of your children, that the Police Commissioner di Grazia will pursue relentlessly anyone and everyone who endangers our students, black or white, in high school or grade school, and that the peril of prosecution faces all who take the law into their own hands.
>
> Those who would violate order and the peace of our city and those who would seek to exploit the tensions of the next week and the weeks to come jeopardize the young and the innocent and I promise swift and sure punishment.

Maybe that's an answer to your question that I gave earlier. I'm sorry, Mr. Rankin.

Commissioner Horn. I ask that, Mr. Chairman, the mayor's statements on this and other desegregation matters, which I believe Counsel has furnished us, be placed in the record at this point.

Chairman Flemming. Without objection, that will be done.

Mr. White. Thank you, Mr. Rankin, I'm sorry.

Commissioner Rankin. This morning I listened to the regional officers from the Federal Government tell about the procedure by which the Federal grants for educational purposes might be given to the city of Boston. They mentioned the fact that the school board put in the application and how they reviewed the applications. They didn't come up to what had—the provisions of the act. They sent it back and then it had to go back again and finally to Washington.

Then, should the grant be made, then they're going to monitor it, for instance, the civil rights officer is going to monitor it to see that the civil rights provisions are lived up to and so on and so forth.

Now, they mentioned that it was given to the city of Boston, but it was given to the school board. But what I'm trying to say is, do you have any, in your financial control over education, does the city itself have any control over the school board to the extent that they can warn them at least to keep within the limits of the grant, or do you just have to keep hands off of that grant and leave it to the school board?

Mr. White. I have no legal right—I have the legal authority in the city budget to cut appropriations beyond 10 percent of the budget of the preceding year. By and large, I haven't done that. I have tried to give extra money to the department. How that money is spent inside that we appropriate, how it is disbursed or spent, or what Federal monies are spent, I have no control over at all, Commissioner.

Commissioner Rankin. So, you could see procedures that might deprive Boston of the $8 million and you're powerless to do anything about it?

Mr. White. Yes, yes, which is frustrating, but—

Commissioner Rankin. Yes, it is frustrating.

Chairman Flemming. Commissioner Freeman.

Commissioner Freeman. Mayor White, I believe that you indicated that the school population of this city is about 40 percent black, is that correct?

Mr. White. I didn't indicate it, at least—what's the—it's 52-58 [sic], at least I'm advised that that is the figure today and that it is a majority nonwhite 1 to 8. Now, counsel is checking here. I don't feel comfortable with that, not that I have lack of confidence in my staff, it's just that we're working, I take it, on current figures. January 27, the school department figures I'm advised are 52-48, white over black.

Commissioner Freeman. Is it 5—what do you say, 52 percent?

Mr. White. Oh, minority, excuse me.

White and 48—

Commissioner Freeman. Forty-eight percent black.

Mr. White. Minority.

Commissioner Freeman. I mention this because yesterday and two or three of the other days before, some of the testimony from witnesses indicated their sense of powerlessness and their sense of lack of representation. We received testimony this morning from some of the members of the school board, the school board committee which is all white and which, from some of the individuals indicated, a lack of sensitivity to and concern for the minorities.

Now, part of the problem would apparently be the lack of representation of the school committee, the fact that itself does not represent the population of—this part of the population. And I would like to know if you will comment on the possible value of having the school committee represent districts of the city of Boston so that all of the people of Boston could be represented on the governing body for the schools.

Mr. White. I supported that concept all last year. Not surprisingly, but it received, not necessarily my proposal, but the proposition that we have more community representation on a district basis, received a great deal of support in both the white and black community. My proposal was defeated in November. I think it was perceived by many who voted against it as a probusing proposition. And that those who opposed it, I think, put it in that light.

My own feelings are that there is no model, structural model for government at almost any level that guarantees the ideal performance, and I had a father who was 20 years a member of the Boston School Committee. And so, with some familiarity, I have come to the conclusion that change for change sake in a governmental structure sometimes is good.

You can go to jurisdictions in which a citywide appointed board is functioning well. You can go to jurisdictions where a community appointed board is paralyzed. I think the time has come in this city for a number of reasons, not the least of which you suggest, that local representation, that is, districtly elected school committee members would be a healthy thing for the body politic and probably the educational process as well.

I supported it, it was defeated, and it probably will not come to the fore again, at least, in my opinion, for 2 years. And I am sorry it lost.

Commissioner Freeman. The other question is relating to the statement that you made that indicated that the solutions for the school problems could not be—would not rest within the city limits of Boston, but would be a metropolitan solution.

Now, the concern that I have is that that indicates that these—well, I wonder if you're considering the effect of racial discrimination in housing and, of course, we recognize that the reason that many white people move to the suburbs is because they are flying or running from minorities. But I'm wondering if you could tell us something about efforts to eliminate housing discrimination not only in the city of Boston, but in the suburbs.

Mr. White. The suburbs around Boston have a sort of stockade mentality about the city. They are not reticent and shy about making public pronouncements about what the city should do, what is publicly and philosophically best for the city. In fact, they are very active in terms of engaging in public discussion about city issues. In terms of housing patterns, they have been very resistive, almost resentful, particularly in the legislature, of any interference as far as zoning bills and things of that nature. They have been very resistive.

The Boston delegation, because I have worked with it often and served the secretary of State when I was considerably younger for 7 years and knew the legislative leadership well, there is real antagonism to Boston and her problems.

For someone who felt very strongly about metropolitan government as a young man and wrote a paper on it in college, I today am someone who is moving away from it. I think the city potentially is a lot healthier, I don't say that with a sense of false pride—healthier than the suburbs are today, and when we get over this issue, even healthier still.

But the issue we're dealing with, Commissioner, is the question of quality education and if I am to take the testimony of those more knowledgeable than myself, or experts such as Coleman or Jencks and others who I've tried to listen to, have sat and talked with.

Commissioner Freeman. Don't listen to them, please.

Mr. White. All right, okay.

[Laughter.]

Mr. White. But I don't mean that. I have tried to listen to all sides and the question, I suppose, inevitably is: What are the ingredients of quality education? Obviously there is no single one that guarantees it.

I went to a small college called Williams College and the president of that institution once insisted that it was a good teacher at one end of a log and a boy at the other. We're well beyond that. But environmental patterns, class associations, I think they are important. As a young man who is the recipient of that, having parents who made a sacrifice to send me to prep schools, maybe I was just a late bloomer. But the environmental change proved healthy, at least my parents thought so. So, what I'm really trying to say to you is that the suburbs have not been helpful.

Commissioner Freeman. My question was related specifically to the enforcing of the fair housing laws in the city.

Mr. White. Well, I thought you meant it in the suburbs.

Commissioner Freeman. And in the suburbs.

Mr. White. Well, in the city, I can only say to you that, well, candidly, we have not made as much progress in the public housing sector without question of paucity, not a lack of caring. The last three directors to whom I've fought, even with the black leadership, to give power to, that is the director of the housing authority, not let a board paralyze it, were all three men committed to integration of the housing, public housing and two of them were blacks and one is today, and I give him full authority. I would not appoint a member to the board who didn't give that authority to the director, who is an outstanding black.

In the city's housing patterns, I've made an effort, particularly in the Mattapan area, to crack down on what we call blockbusting. I don't know if that's a common term or not.

COMMISSIONER FREEMAN. It is.

MR. WHITE. I made a great effort at that. I cracked down on real estate agents. I walked with communities and talked with communities, but that's a constant problem like the process of education within the city. I don't think we're going to be successful as I maybe I could have been, but we've put much more time into it than I think some people give us credit for, that's some middle ground.

COMMISSIONER FREEMAN. I just wanted to urge the enforcement of the Fair Housing Act.

MR. WHITE. Couldn't agree with you more.

COMMISSIONER FREEMAN. Thank you.

MR. WHITE. Okay.

CHAIRMAN FLEMMING. Commissioner Saltzman.

COMMISSIONER SALTZMAN. Mayor White, with humility and respect, I'd like to say I admire the open and forthright presentation that you've made to us and appreciate it profoundly.

Sir, do you know or have you had any suspicions pertaining to a conspiracy at work in Boston relative to groups with pro- or antipostures concerning desegregation efforts?

MR. WHITE. Well, not to get legalistic, the word "conspiracy" has more than an odious connotation and I don't know the context in which you're putting it. Obviously, there had been on both sides meetings, for example, ROAR is an agency that has publicly—

COMMISSIONER SALTZMAN. May I—I'm sorry. Let me perhaps indicate why I used that term. It was a term used by a member of the Boston School Committee this morning who submitted to us that there was a conspiracy at work in this city.

MR. WHITE. I really don't—I don't think it's structured or conscious, that is, there is concern. I have dealt with and met, in fact, spent a great deal of time with people representative of different groups. You said both black and white in your question.

COMMISSIONER SALTZMAN. No, I said both pro and anti.

MR. WHITE. Both pro and con.

COMMISSIONER SALTZMAN. Yes.

MR. WHITE. Excuse me. Both pro and con. I'm going to have to ask you, Commissioner, what do you mean by—what did he mean, or the—by "conspiracy"?

COMMISSIONER SALTZMAN. He was a lawyer by training, so I would assume he used it in its legal sense.

Mr. White. Wait a minute, I'm just getting filled in here by notes. Well, the question here is that we're not talking about Freedom House or ROAR, we're talking about a comment about the Jewish conspiracy to flee Mattapan. Is that—

[Laughter.]

Mr. White. Well, I don't mean to be—I'm reading the context of a note, and I'm not so naive as to make a mockery out of your question. That's the crux of the matter, I don't know what is meant by "conspiracy." I don't believe there's any concerted conspiracy to flee. Commissioner Freeman said that there was an escape from—because of racism. It's fear of change and all its dimensions that brings about the exodus. But a conscious conspiracy involving large numbers, no, not that I know of in that context. I am at a great disadvantage here in responding to that.

Commissioner Saltzman. Well, let me ask you this: Do you know whether any other groups, except Jews, have moved into the suburbs, or are the suburbs all Jewish?

[Laughter.]

Mr. White. I have said for those who are apparently here listening that I know this city well and I challenge anyone in this room. I've grown up in it. I've walked in it and I've lived in it all my life. I've been steeped in its politics and your question is very legitimate, because the fact of the matter is the generation I grew up with in West Roxbury, men and women that I went to school with in public schools almost to a man and a woman have fled the city, Irish Catholics. I didn't know a non-Catholic or a Jew until I was 14. I lived in an Irish Catholic enclave. Those who I grew up with have left. They left, as I've often said, for lower taxes, less crime, and greener grass. They now have higher taxes, more crime and they're smoking the grass.

[Laughter.]

Commissioner Saltzman. And this all was prior to—

Mr. White. Prior to—I live in the city I love and I intend to stay. I know that's the grand gesture, but to refute your question, the exodus has been for many reasons, and I might say that the health of this city is supported by the simple evidence that we're one of the only three oldest cities in the country in which our population has expanded. People are coming back into the city and I don't want the white middle class, which I feel I'm a part of, to leave this city for any reason. There are no rewards in leaving it and many in staying.

Commissioner Saltzman. In a position paper released April 10, 1973—

Mr. White. That was a paper I wanted to submit, Mr. Counsel.

Commissioner Saltzman. Yes. There is a sentence there that I would like to build a question on. The sentence is on page 3, the first paragraph, ending the first paragraph.

The sentence, and I quote, states, "It is the kind of busing that the school committee is threatening to bring on by its refusal to develop a plan to insure equal opportunity for all children." End of quote. Do you believe the Boston School Committee failed over the years, and not necessarily only the present one in office, to develop a plan to ensure equal opportunity for all children which resulted necessarily in the current court order mandating desegregation?

Mr. White. I want to prove I can give short answers. Without question or qualification, the answer is yes. And I might say parenthetically, that there are prominent leaders of antibusing groups who have publicly made the same statement.

Commissioner Saltzman. Would you, sir, interrelate quality education with integrated education as a positive goal for American society?

Mr. White. Could you—

Commissioner Saltzman. That is our—

Mr. White. Could you state the question again, sir?

Commissioner Saltzman. Would you interrelate, and say they are inextricable, quality education and integrated education as a positive value for American society?

Mr. White. Yes.

Commissioner Saltzman. And finally, sir, I would like to—I am not sure whether you know the distinguished mayor from Indianapolis, Mayor Lugar.

Mr. White. Yes, I do. The mortality rate of my business is very high but there is a great turnover, but we keep up with one another.

Commissioner Saltzman. Well, Mayor Lugar has structured in Indianapolis, if I may indicate this to you, a voluntary organization with which he meets once a month called the Greater Indianapolis Progress Committee, which brings together, as Vice Chairman Horn indicated, leaders in business, education, in politics, in religion, across the spectrum of the city and suburban leadership supported and financed by voluntary contributions from within the city to establish positive efforts for resolution of the problems that the city as a whole confronts. Would this be a possibility at this kind of time to exert the kind of moral leadership which you felt ought to be forthcoming now?

Mr. White. Well, I would say that the simple answer appears to be yes, but I might say to you—I just can't resist it as someone who has given most of his adult life to public service or politics, however you define it. I've always felt very strongly that the legitimate and established vehicles of public expression within the system are the best, that is, the elected or appointed process of expression. And it was brought to my attention just about a week ago—I think an article is being written in the *Los Angeles Times* and the reporter was coming through, and he said to me, "Mr. Mayor, in a period in which there is great disenchantment with the political parties, that there is great political action," and I think this is very true. I think groups, whether it's Freedom House, whether it's ROAR, whether it's other independent political groups—tenant housing groups—are formed because of a vacuum in political leadership and the process of representation through the normal channels of the political process.

So I am resistant to creating a number of agencies merely for dialogue if they, in time, become structures whereby you pass the normal process of expressing opinion. I didn't express that well, but I have resisted setting up something like that, and when Commissioner Horn spoke to me about business communities, that was also a reason I was reticent about including them, not only how they would be perceived, how they could help, but I have often felt that public officials should do as much as possible through the vehicles that he is given. But obviously, something like that is salutary and healthy to the process of communication, and I'll try to keep up the dialogue so long as it's not perceived as a substitute for—

Commissioner Saltzman. Thank you.

Chairman Flemming. Mayor White, we are very, very grateful to you. You obviously have shared with us the concerns that you have as an individual, as a public official, growing out of the currents and the crosscurrents that are in operation as Boston and many other cities confront a very serious issue.

I don't know whether you've caught up with the fact or not, but when we opened this hearing, we said of course we were interested in trying to obtain an indepth understanding of the situation here. As is always the case, our objective is to evaluate the evidence and then make findings and recommendations; findings and recommendations which we hope will be of some help as far as Boston is concerned, and of which we also hope will be of help to other cities throughout the country.

And the kind of frank way in which you have responded to questions, and the way in which you have presented your point of view growing out of your experience, means a good deal to us, and we appreciate the time you have given us.

Mr. White. A mayor always gets the last word, Mr. Chairman, and I want to extend a belated welcome to all of you and to say to you—as I should have at the outset of my remarks—that I am very glad that you are here.

If there is one thing this city hungers for, and the people in it, I honestly believe that both sides care very much. I am convinced of that. And feel left out. And listening is the one thing that this city hungers for, and giving your time is something we will always be grateful for.

Chairman Flemming. Thank you very much. Counsel will call the next witnesses.

Mr. Alexander. Gerald O'Leary, Larry DiCara, Louise Day Hicks, Albert O'Neil.

Chairman Flemming. Could I ask the witnesses if they would stand, please, and raise your right hands?

[Whereupon, Gerald O'Leary, Lawrence DiCara, Louise Day Hicks, and Albert O'Neil were sworn by Chairman Flemming.]

Chairman Flemming. Thank you very much. We appreciate your being with us.

TESTIMONY OF GERALD O'LEARY, PRESIDENT, CITY COUNCIL; LOUISE DAY HICKS, MEMBER; LAWRENCE DI CARA, MEMBER; AND ALBERT O'NEIL, MEMBER.

Mr. Alexander. Starting with Mr. O'Leary, would you each identify yourself for the record, your name, address, and your position with the city government?

Mr. O'Leary. My name is Gerald F. O'Leary. My address is 1110 Morton Street, Mattapan. And I am president of the Boston City Council, I have a statement I would like to read.

Mr. Alexander. After we go through everybody, we'll get back to you.

Mr. DiCara. My name is Lawrence S. DiCara. I reside at 86 Cardinal Hill Avenue in the Dorchester section of the city, and I am a member of the Boston City Council.

Ms. Hicks. My name is Louise Day Hicks. I live at 1780 Columbia Road in South Boston, and I am a member of the Boston City Council.

Mr. O'Neil. My name is Albert L. O'Neil. I live at 4354 Washington Street, Roslindale, and I am an elected member of the Boston City Council.

Mr. Alexander. Mr. O'Leary, I believe you have a brief statement to make.

Mr. O'Leary. Thank you. I hope to make some comments which will be helpful to you in your discussions and may adequately represent my feelings, not only as president of the city council, but also as one of the few elected leaders of this city with children now attending a desegregated school.

In the Civil Rights report dated June '73, publication no. 43, page 4, it is stated, and I quote:

> In the atmosphere of discord and controversy that has prevailed over desegregation, some Americans are asking whether it is worth the effort. The Commission's examination of desegregation as it is actually working in the school districts throughout the country reinforces our belief that it is. Its worth cannot be measured solely by the achievement of test scores, daily attendance rates, and the like, nor is its value limited to minority students alone. All of us—majority and minority alike—have a vital stake in overcoming racial injustice and establishing conditions under which all segments of the Nation's population will flourish. This cannot be accomplished on the basis of racial apartheid.

No one who has opposed this court order is in favor of racial apartheid; rather, many responsible citizens of the city with no racial overtones have spoken loudly and strongly that neighborhood schools are a worthwhile and valuable part of the school system such as Boston's.

Some people would like all the country to believe that Boston is a hotbed of racism, and that this is the root of all opposition to the court order. But it must be emphatically stated that this is not the case for this reelected official, nor many of the constituents, both white and black, who have questioned the wisdom of Judge Garrity's decision.

The real basis of concern is that many honest and forthright people in this community are asking the question, not, "Is desegregation worth the effort?" but rather, "Is forced busing of some 40,000 students worth the effort?"

What will happen in our schools? Are we as parents not to be concerned over the achievement test scores, daily attendance rates, and the like, or would the Commission have the parents of the city of Boston look into their children's eyes and say, "You must understand that in order to overcome racial injustice, your education must at least be jeopardized and perhaps sacrificed."

To say this is to do less than many others more financially secure than these parents of Boston would ever do. No, the question is not just racism. The question is: What civil rights do all the parents of Boston children have?

The Commission goes on to quote Horace Mann.

> We must now look to a new generation, our children, to bring about this unity. We must now look for our children to develop a sense of respect and appreciation of individual worth regardless of race or ethnic origin which we, their parents, somehow have been unable to develop.

The schools can play a key role in determining the future of American society, either in perpetuating racial unrest and distrust, or in fulfilling the historic role that Horace Mann saw as the great equalizer of conditions of men, the balance wheel of social machinery.

If the schools are to be a positive influence in shaping the Nation's future, they must first meet their fundamental obligation to bring our children together.

Who are the "we"? The affluent, well-to-do, or the poor? Who on this Commission can tell me that the evidence does not point to the poor? Is it those least able to bear the burden who are asked to do it? When they refuse, when they stand to be counted, social theorists who live in comfortable suburban towns call them racists. Fear and distrust of our city has caused more of the economic conditions that we face as citizens than any racial mixture.

In the end, it is not all schools that are brought into the great equalizing effort that Horace Mann speaks of, but rather the schools of the inner city, the poor schools, and the parents who believe in trying to do the best for their children are told to accept a court order that may cause the demise of their city.

The fact is that the metropolitan solution has been rejected by the courts. And we all know that if any real attempt were made, the opposition from the suburbs would be greater than what has been seen in the city.

The METCO program has been working, but it is solely for black children and other minorities, and the coordinator of the program has consistently rejected the notion of opening the program for disadvantaged white children. Apparently, the only way to overcome one kind of racial injustice is to supplant it with another.

Robert Coles, noted author and psychiatrist speaking at Harvard last week, stated:

> What is it to be said about those parts of our country where the well-to-do, well-educated people live? Are they free of racism, snobbery, condescension, arrogance, vanity, or are their blemishes, if not serious flaws of character, hidden by the cozy power of money and privilege, are only revealed in a more fashionable attitude?

When will the Federal judge or a commission in this country have the courage to stand and say that forced busing in many of our northern cities has not worked. It is not because it involves only one part of "we," only one part of our society, those who are the poorest in financial resources and educational resources. Again, it is the little guy, the average man in the street, who seeks not riches or fame, not to bask in the limelight, but only to have his home and to bring up his family as he sees fit, who is the one affected by this and similar other court orders.

Other speakers have undoubtedly touched on the findings of Dr. James Coleman. Dr. Coleman warns that the use of forced busing to integrate school systems can and has in most cases ended in resegregation. Again, the rhetoric of the court order would have people believe that the root cause of resegregation may be racism. There is no doubt that the tension of these days causes a heightened awareness of racial differences. However, the Coleman report suggests another reason.

The report finding clearly shows the achievements of all the pupils decline as schools become more than 50 percent poor in composition. Ending racial isolation alone in this city will not bring the middle class and poor pupils together. It will only cause the abrupt departure of those families that want the very best education for the children and have the means to seek it.

The school system will be left for those who have no other means, the poorest of our city, and, unfortunately, the group contains white and black, but proportionately a higher number of black families.

I don't think any proponent of forced busing can truthfully predict that the departure of many middle class families which has happened in other cities will not occur here.

I think the ramifications of these are serious. It would be a grievous loss to the city should the flight of its middle class workers continue to occur. We have seen the pattern develop in other large cities and over forced assignment of children to schools distant from their homes, and the talk about flight from Boston has frustrated parents [inaudible].

Today's *Monitor* points out that in Atlanta over the last 10 years, 76 percent of the white middle class has removed itself from the public school system there. Just how real can be seen is the cost that forced busing assignments had in Atlanta. There the public school population dropped just under 76 percent, from 53,000 in September '63, to 12,000 last September.

As Dr. E.S. Cook, Jr., associate superintendent for administration in Atlanta schools said, "Atlanta didn't have the riots other cities had; instead, the whites just melted away."

In an article in today's *Christian Science Monitor*, the observation that the long-run effect will go beyond the schools, it might well be leading to increased segregation of American society. In short, we see an irony despite busing, and balance widens.

Someone sums up one picture captioned in the article. We should talk about a voluntary metropolitanization to bring about integration, and we should be scrupulously equal about it. We should work to permit white students to take part in the State-supported METCO program and give those who want an education in the suburban system a chance to qualify.

The vast majority of the citizens of Boston do not oppose integration of schools; they do oppose a system of immediate integration at all costs, and I say that the forced arrogance rammed down the throat of assigning children by numbers promotes racial polarization.

When you bring this tension-filled situation to a classroom, learning is going to suffer. I agree with Dr. Coleman that rapid desegregation is almost too much for a large city system to absorb, and leaves almost a Nazi-like impression on people's lives. There seems to be no representative democracy when the vast majority oppose forced busing, yet it is ordered into effect.

People resent it when a government takes control of their most precious possession, their children, and they react.

The student's life in the public system is a serious problem. In some cases, it means flight entirely from the city of taxpaying families, the middle class group that supported the cities during most of the 20th century. So when Boston parents so vehemently oppose forced busing, its cousin, deteriorating schools, these parents are also fighting for the survival for the city of Boston. They want a city of stability, where their homes, their jobs, and their children will be secure. Thank you.

MR. ALEXANDER. Mr. DiCara, do you have a brief statement?

MR. DICARA. I do not have a prepared statement, but I would like to make a couple of comments, if possible. I don't have a written one because I wasn't asked to make one, but I do have, if you would like, some statements that I have made in the recent past, including a major speech at the teachers' union, and also a law review article which is available.

MR. ALEXANDER. We would like to have those submitted for the record at this point. to Mrs. Hicks. Mrs. Hicks, do you have a brief statement that you wish to make?

Ms. HICKS. Yes, I have a brief statement.

Mr. Chairman and members of the Civil Rights Commission: I certainly find it most difficult to understand how a factfinding body can factfind on future events. It is illogical and supports my belief that too many of your questions thus far were based on a predisposition to write a scenario for Phase II of the desegregation plan.

Under your congressional authorization, you were only granted power to seek out and report on the facts of civil rights violations as they occurred. Speculation as to future events on your part is a waste of taxpayer's money, and it actually destroys the credibility of your committee.

If, as this body has professed, you are seeking out civil rights violations, seek them out impartially, without an eye to what might or what might not be next September. I will reserve my right to judge your questions directed to me on that basis.

In addition, this Commission is basing its action on a national survey of busing opposition published in late 1972. In its interpretation of its survey, the Commission stated, and I quote: "The public is confused. The people have been misled. They believe, for example, that the Constitution should not be amended to limit desegregation but that it is all right for Congress to restrict the courts' power to order busing."

I'm afraid that it is not the public who is confused. It is this Commission. Forced busing, as Professor James Coleman recently pointed out, could not be synonomous with desegregation. In fact, Professor Coleman, whose 1966 report is used as a rationale for forced busing, has done a complete about-face on this issue as has been reported in this week's issue of *Newsweek* magazine.

Professor Coleman found that forced busing in large metropolitan areas, it leads to massive white flight that turns a previously mixed community into a segregated one. This is clearly not the goal of this Commission. And yet it continues to base its *modus operandi* on a 3-year old survey since outdated by a more recent development.

I am also afraid that this Commission will have to make a return trip to Boston in the not-too-distant future, there to factfind on the discrimination against the poor, both black and white, who cannot afford to flee this city if forced busing continues.

And Mr. Chairman and members of the Committee, I would like to give you three exhibits: No. 1 is the *Newsweek* article, dated June 23, 1975, on Professor James Coleman's recent study of the negative effects of forced busing.

Second, a letter from Grace B. Bress to the Boston City Council, citing her recent study on the negative effects of forced busing because it pits socioeconomic classes, and not races, against each other.

And three, a reprinted article from the April 1975 *Phi Delta Kappa*, written by Biloine Whiting Young and Grace Billings Bress on the negative effects of forced busing on the integrated life of large metropolitan communities.

And also, Mr. Chairman, I would like to have a motion to be filed by my attorney at this present moment. My attorney is Robert Dinsmore, who is sitting beside me.

Mr. Dinsmore. Mr. Chairman, this is a motion directed to the Commission under the Freedom of Information Act, Title USCA, Section 552. I am filing this on behalf of Mrs. Hicks, Mr. O'Neil, Pat Russell, Nancy Yotts, Virginia Sheehy, and Rita Graul.

Chairman Flemming. There was a request that certain documents be entered as exhibits in the record of the hearing, and without objection that will be done. We will be very happy—

Ms. Hicks. I'll also provide a copy for each member.

Chairman Flemming. Thank you very much.

Mr. Dinsmore. Mr. Chairman, if you would like copies of the motion, I have a few more for you.

Ms. Hicks. Mr. Chairman, because my statement to you was a very short statement, I would like at this time for my attorney to read you what is the motion for discovery under the Freedom of Information Act, and what are the allegations under it.

Chairman Flemming. I would be very happy to have that done.

Mr. Dinsmore. In the matter of Mrs. Nancy Yotts, Pat Russell, City Councilwoman Louise Day Hicks, City Councilman Albert O'Neil, Rita Graul, and Virginia Sheehy. Now come the above-named United States citizens and respectfully request this honorable Commission provide the above-named citizens the following information pursuant to the Freedom of Information Act, 5 USCA Section 552:

1) The names and addresses of all members of the Commission, including the Chairman, staff attorneys, and all investigating personnel working for or used by the Commission.

2) The educational background of all the members of the Commission and all staff attorneys for the Commission including membership in bar associations and qualifications to practice before either the Federal or State courts or Federal agencies.

3) Previous employment by members of the Commission and previous service on other related commissions or civil rights organizations by members of the Commission.

4) Records of membership by Chairman, staff attorneys, and investigating personnel, along with other members of the Commission and the NAACP, Progressive Labor Party, or other probusing organizations of any kind.

5) Records of contributions to the NAACP, Progressive Labor Party or other probusing organizations of any kind by the Chairman, members of the Commission, staff attorneys, investigating personnel, or any other member of the Commission.

6) The records of information gathered from investigations made by the Commission or personnel authorized by the Commission of the above-named citizens relative to the hearings held in Boston during the week of June 16, 1975.

7) The total cost to the public of the hearings held in Boston by the Commission during the week of June 16, 1975, the total number of employees on the payroll of the Commission, and the position and responsibilities of each in relation to the overall workings of the Commission.

8) Recommendations in the area of civil rights made by the Commission or its Chairman individually after 1973.

9) Copies of statements of policy and interpretations which have been adopted by the Commission and not published in the *Federal Register* pursuant to 5 USCA Section 552, Paragraph A2B.

10) Administrative staff manuals and any instructions for staff personnel that affect a member of the public. 5 USCA Section 552 A2C.

11) Copies of written requests made to the Commission for the subpenas issued to the above-named citizens which allegedly show the general relevance and materiality of the testimony sought pursuant to 45 CFR Part 702.4, Paragraph R.

I have an argument of law, gentlemen, attached as a memo to this request. I will not read that, but those are the requests that we make. Most particularly, Mr. Chairman, we call for any reports that resulted from investigations of Mr. O'Neil, Mrs. Hicks, and the above-named individuals.

Chairman Flemming. Are you adding to the motion with those last comments, or are they in your motion?

Mr. Dinsmore. I'm adding to it, but I think I've expressed it in the motion, but I think I've made it more direct.

Chairman Flemming. Okay. It's clear, of course, that this Commission is committed to strict adherence to the Freedom of Information Act. We will ask the General Counsel and his staff to study the motion that you have made and to present to us a brief which we will consider along with your brief, and make a decision.

Mr. Dinsmore. Thank you.

Chairman Flemming. Counsel, do you want to—

Mr. Glick. Mr. Dinsmore, would it be possible for me to have a copy of your motion so we can study it and respond to it?

Chairman Flemming. Copies were furnished, as I understand it.

Mr. Dinsmore. Yes, they were, Mr. Chairman.

Mr. Glick. Thank you.

Chairman Flemming. Okay. Counsel will proceed.

Mr. Alexander. Mr. O'Neil.

Mr. O'Neil. My name is Albert O'Neil of the Boston City Council. I have a statement here that I would like to read. First of all, I want it clearly understood that I oppose forced busing here in Boston for the following reasons:

1) It will never work in this city, and the people in this city and other parts of the country have been used to the American way of life since the inception of this great country. They believe in the neighborhood school system. That is why they move into a neighbor-

hood—because they want their children to go to the nearest school of their choosing, and also their choice of their religion, and also the neighborhood shopping center.

2) Now we come to the elected officials in Washington that have caused nothing but havoc in this city with their irresponsible legislation in telling people that they must bus their children into areas that they don't want to go into. When all of this liberal legislation was going on in Washington, they should have taken into consideration that 85 percent of the American people are against forced busing in this country.

Here in Boston the people voted 15 to 1 against forced busing, but this did not count. I thought the majority ruled, but I guess the voters don't count anymore. I have been in most of the troubled schools and I know of what I speak. There is no learning going on whatsoever, only fear and frustration. How would Judge Garrity feel if his son or daughter was brutally beaten or stabbed? I suppose it would be a different story then. And as far as the people that are not included in this insane busing, I wonder what they would do. Just as long as they are not affected, then they could care less.

3) I'm tired of seeing people being carried out of these schools on stretchers and being rushed to the nearest hospital, and I'll say it here and now, and I hate to say it, but the first person that dies because of injuries, then what? Absolute chaos in the city. Why don't these people that are forcing people to do something they don't want to, listen to those that are being affected? Do we have to wait for the death of a student before somebody will realize that busing will never work in this city?

Let's look at the financial situation of this whole damned mess. I know of what I speak because I am on the ways and means committee here in the Boston City Council. For the first 4 months of operation the council has received a bill for $14,200,000; and that is only for 4 months. We still have until June to go through.

Then the implementation of Phase II. This will cost the taxpayers of this city another $48 million. Dear God Almighty, where are we going to get this money? Will the people that are pushing this forced busing on us please answer me?

4) Now we are being faced with 100 percent assessment on our property, and as it is now, the tax-free property in the city of Boston is already 60 percent. When is it going to stop? You tell me. I ask in respect to Judge Garrity, before he issues any further orders, "Will you please try and see the plight of the people in this city?"

When I sent a petition to his office simply asking for the right to sit down in his chambers, the request was denied. The reason for the request was to try and convince him that busing will not work in Boston for the reasons I have already given.

As an elected official here in the Boston City Council, I can't sit with him, but anytime the NAACP wants to, they can. But I can't. Are we setting two standards of justice in this busing mess?

I have attended all the busing meetings I can to lend my support to, and I will continue to attend these meetings until justice is served the people who pay the bills by honest and sincere hard work. God Almighty, we hope we are not living in a country that is slowly turning into a dictatorship. I am sick of all the liberalism in this great country, and it is slowly falling apart.

It seems to me that the people who are ramming this damned busing down our throats don't come from this city, and if they did, then maybe they would begin to realize that if it were them, they would feel the same way we do.

The State and the Federal government are passing the bus back and forth without realizing who is going to pay the bill. The people in this city don't want their children bused into another area of the city. It is as simple as that. Is that asking too much?

Also, there are a lot of elected officials that are trying to play both ends in the middle, and they are not kidding me, or any of the antibusing people. If they all decided to move out of Boston, what do you have for a city then?

Let me say this, and you can bet on it, wait until they start to bus people into Charlestown, North End, and East Boston. All hell will break out, and somebody will have to reexamine their conscience. I know of what I speak, and will somebody please listen?

The bill that was sent to the city council included the payment of the State police, the MDC police, the National Guard troops that never left the Armory. Little people that pay all the bills don't like politicians and I can't say I blame them. They have had it up to their necks and they are going to fight back.

They are fighting for their own flesh and blood, and I can't blame them for fighting for what they believe in, and that is not to take their children away from them. This is legalized kidnapping, and nobody is going to tell me any different. Just how much do the people in power think they are going to take?

Now they are talking about alternative sites for schooling, and I'm talking about Mr. Parks. Let's forget about the almighty buck and start thinking of the people.

It is too bad that the teachers in this city don't go on television and really tell the public just what is going on in these schools. It is too bad that the teachers who have quit teaching would not call a press conference and really tell all. Why don't they? Why don't the people that advocate busing go into the schools any day and they will see what I am talking about. I have been in them, and I know what is going on. Let the press inside the schools and then they can report the truth. This is not Russia. This is still America.

There are 55 cases pending now in the courts for assaults on teachers, and that should come out to the attention of the public. The three men on the school committee, Mr. McDonough, Mr. Ellison, and Mr. Kerrigan, voted their conscience and the way the people that elected them wanted them to, and yet they're being punished for doing what they were supposed to do.

The NAACP is making all kinds of recommendations to the court, and these recommendations are being adhered to, and this is wrong. And the court ought to be ashamed of what they intend to do with these men.

God is with us and we shall prevail. But I sincerely hope it will not be when somebody dies; and by God, it looks to me they will. Why do we have to have that happen before we wake up? For God's sake, will the court please listen?

Do the people in Congress and the members of the State legislature realize what's going on? I suggest they start listening to the people that are being affected by this cursed law. They go out and ask people to vote for them and then turn around and condone this busing business. I say this, that the people are sick of it and a lot of them will be turned out of office in future elections.

The antibusing groups are getting bigger and wiser every day, and they have good memories. I know; I see it growing.

I have been in this city council for 3 years now, and I have seen Federal grants come into this city, and they are nothing but ripoffs of the taxpayers' money. Good people that work hard every day for a living are paying for this by paying taxes. And I know that they are nothing but perhaps only to make jobs and nothing else.

Sometimes it is tough to be almost alone, screaming and screeching to make the ripoffs come to a halt. I know that taxpayers have to work every day, and they can't be here to see the wasteful spending of their money, but at least I'm trying to make them aware of just what is happening.

Last but not least, I want to conclude by just saying this: The courts and the Congress and the legislature will have to do something to get a stay of execution until this wretched law is repealed and the people are affected by busing will get their children back to the neighborhood schools where they belong. This city will go broke before those that are giving the orders will begin to see further than their noses. For God's sake, stop forced busing in Boston before it's too late. Wake up America, or we will lose a great country.

At South Boston High School, Mr. Chairman, and at the Annex and at Hyde Park and at Roslindale, and at the Washington Irving School, it's not a very nice sight to pick up a Boston newspaper and see the caption in it, "South Boston High School Opens Peacefully," with 300 State troopers standing outside the front door, joined by 50 Boston police, joined by 50 MDC police, to go down the street to the South Boston Annex and see another 100 policemen standing around the school all day long, and see troopers and policemen lined up inside the schools where there is no learning going on whatsoever in South Boston High School, Mr. Chairman and members of this Commission. There are 400 law enforcement officers to 400 students in the Washington Irving School out in my district.

Mr. Chairman and members of this Committee, the buses have about eight or nine students on them. It's a terrible thing in this society, and I am not trying to impress anybody. I am heartbroken at what's happening in this country. I represent four generations in my family in the section called Roxbury. I walked to school, Mr. Chairman and members of this Commission, with blacks and whites, and this—we never had any trouble. We had integration then, from my school days, from the graduating in 1933 of the Hugh O'Brien School to walking to Roxbury Memorial High School.

You know, I would like to say this, and I don't think I have ever said it before. But I'm saying it now because it's my only chance, and that's why I wrote to you, Mr. Chairman, and begged you to please hear me. I think—

Mr. Alexander. Mr. O'Neil, we have a few questions we would want to ask the council—

Mr. O'Neil. I would like very much to finish and you can question me if you want. I'll get the permission from the Chairman.

Mr. Alexander. I thought you had finished your statement?

Mr. O'Neil. May I finish, sir?

Chairman Flemming. You may.

Mr. O'Neil. I was in the invasion of North Africa. I was in the invasion of Sicily. I was in the invasion of Italy. I was in the invasion of France. I crossed the Rhine into Germany. I wear a silver wreath on my uniform presented to me by the late President, Harry Truman. I see kids in Vietnam who have lost their lives for this great country. The rights are being taken away from people. This is all they are asking when they got married, was the neighborhood concept. That's all they asked for.

Believe me when I tell you that busing will not work in this city. Let me just give you some figures, and I will quit. White flight from Atlanta, enrollment by race in the Atlanta public schools. In 1963 in September, black, 53,147; white, 53,608. Up to 1974, Mr. Chairman and members of this Commission, 1974: black, 72,106; white, 12,884.

My last sentence to you, Counselor and members of this Commission: Will Judge Garrity please reconcile his present decision on busing school children with the 1964 Federal law which states, "Nothing here shall empower any official or court of the United States to issue any order seeking to achieve a racial balance by requiring the transportation of students in order to achieve racial balance," Section 409 of HEW Appropriations Act and Civil Rights Acts of 1964.

Let me say to you, Mr. Chairman and members of this Commission: I thank you so much for having me come here. I am only trying to avert something. We can't leave the city because of mortgages because a few people want to ram something down our throats. It'll never work; believe me, it will never work. We must start thinking about human beings instead of a buck and that's all that was ever thought of behind forced busing. Thank you very much.

Chairman Flemming. Okay, Mr. O'Neil. Let me just make this statement. As a result of the statements that have been made, we have a clear view of the views of the members of the Council relative to the basic issue. I am going to suggest, therefore, that any questioning be confined to any matters that have been or may be before the council as a body.

Mr. Alexander. Mr. O'Leary, what is the council's responsibility in relation to the school system in Boston. What is its official, legal role?

Mr. O'Leary. The funding of the schools' budget comes down to the city council. Under State statute, the school committee has pretty much guaranteed the amount that they had last year. It goes to the mayor first and then they have budget analysts work with them and then the money is appropriated. We don't have a line budget with it at all.

Mr. Alexander. Does the council have any official, legal relationship to the school desegregation order? Does it have any responsibility under the—

Mr. O'Leary. The question is not clear to me.

Mr. Alexander. Do you have any responsibilities under the desegregation order?

Mr. O'Leary. Not any more than any citizen—

Mr. Alexander. As a council.

Mr. O'Leary. No.

Chairman Flemming. I think that's—does the council as a body have any responsibility under the Phase II order?

Mr. O'Leary. No.

Mr. Alexander. Mr. DiCara, Mrs. Hicks, would you like to comment—

Mr. DiCara. We are not parties to the suit. I don't think that up until this time anything has been presented to us that would lead us to think that we are in any way affected by it. No appropriations to the best of my knowledge has come before the council which is directly related, specifically, every dollar earmarked for the integration of schools.

Mr. Alexander. Mrs. Hicks, do you wish to comment on that question?

Ms. Hicks. If you are going to speak with regard to Phase I plan, there is before my committee of ways and means, of which I am chairman, an appropriation for $4 million which is for the schools—for alterations to schools, changeover from schools to middle schools and back to elementary and so forth. I've had no hearing whatsoever on this matter. It's still in the committee.

Also, I have $4 million in a bond issue relative to schools, alterations and so forth in schools, very specifically for the desegregation plan.

Mr. Alexander. Those are the two current issues pending in your committee?

Ms. Hicks. That's correct.

MR. ALEXANDER. What is the name of your committee? I don't believe I got that.

Ms. HICKS. Committee on ways and means in the Boston City Council.

MR. ALEXANDER. I have no questions, Mr. Chairman.

CHAIRMAN FLEMMING. Commissioner Horn?

COMMISSIONER HORN. Along that line, Mrs. Hicks, how long have you been chairman of the committee on ways and means?

Ms. HICKS. I have been chairman since January of 1974.

COMMISSIONER HORN. Perhaps either you or Councilman O'Neil could answer this. Mr. O'Neil, you mentioned there was a $14,200,000 bill for the first 4 months, I assume, under Phase I that was before the city council. Is that still pending or has been acted upon?

MR. O'NEIL. Mr. Horn, that was sent down—those figures were sent down just for the convenience of the city council. We have no power of handling the school committee budget whatsoever.

COMMISSIONER HORN. I see. So this was strictly the extra expenditures of the school committee caused by Phase I desegregation, and it was merely a matter of information. It wasn't a request for additional funding.

MR. O'NEIL. No, sir, it was not.

COMMISSIONER HORN. Then you also mentioned that $48 million would be needed to implement Phase II. Have you received a report from any official body making that estimate?

MR. O'NEIL. That estimate, Mr. Horn, was made by myself, because I multiplied 8,500 children by $14,200,000, and on top of that, another additional 21,000 children will be bused. So I—

COMMISSIONER HORN. So this has not been an official request of an executive body of the city of Boston. This is your own estimate.

MR. O'NEIL. That's correct, yes, sir.

COMMISSIONER HORN. Because obviously, one thing that's of interest to this Commission, Mrs. Hicks and Mr. O'Neil, is what is the added cost to a municipality in terms of educational special services, training for teachers, extra police services, whatever, that in this case Phase I did cost the city of Boston.

I wonder, has the city council received a report on these extra costs and if so, I would like that introduced at this point into the record as an exhibit, but I don't know if you have a report.

Ms. HICKS. Mr. Horn, relative to the budget from the Boston School Committee and school department, our committee has not yet received even the request from the mayor for the budget. We work on the budget out of the ways and means committee, and they then report it out to the full committee, full council. But up to date, we have not received the budget itself in order that we could scrutinize it in order to find out just exactly what costs have been built in there for the desegregation plan.

COMMISSIONER HORN. This is the budget for fiscal year 1975-76?

Ms. HICKS. That is correct.

Commissioner Horn. When does your fiscal year begin in the Boston—

Ms. Hicks. It begins on July 1.

Commissioner Horn. And you have not yet received the budget from the school committee?

Ms. Hicks. I believe the school committee has given it to the mayor of the city of Boston, but he has not referred it in to the Boston City Council.

Commissioner Horn. Does the budget need to be approved prior to July 1, or can various municipal agencies continue their activities under a continuing resolution of the council?

Ms. Hicks. It does not need a continuing resolution. There has been built in in the statute that a school committee can spend the exact amount that they spent last year, plus any increases in salaries and so forth that were added in that would be now put onto the new budget. But for any new programs or for the desegregation money, they would have to then be before the committee of ways and means.

Commissioner Horn. Did they submit for fiscal year '74–75 additional requests based on the cost of desegregation to the city council?

Ms. Hicks. I understand that they did. It never came out of the ways and means committee, but in some way, the mayor of the city of Boston did appropriate some money for the desegregation plan.

Commissioner Horn. Was that because the ways and means committee specifically refused to appropriate, or what happened?

Ms. Hicks. Well, as chairman of the ways and means, I only have one vote on that committee, but, Mr. Horn, I shall never report out with my one vote any money for the desegregation plan because I am unalterabley opposed to the forced busing of children. And I am also, as a city councilor, gravely concerned about the welfare, the financial welfare of the city of Boston, where we see the tremendous employment that is across the city and that we experience here right in Boston. And when we see the great need for so many things in the city of Boston, that I cannot in conscience vote for money for the desegregation.

Commissioner Horn. I understand your position, Mrs. Hicks. I'm just trying to get the process in the record. Was there a specific request in the mayor's budget as reflected in the budget he receives from the school committee that went before the Boston City Council Committee on Ways and Means? Was there a specific request for Phase I additional monies?

Ms. Hicks. I would assume it would come in like under a loan order.

Commissioner Horn. I just wonder—what I'd like at this point, Mr. Chairman, in the record is to have an exhibit that lays out what was requested of the school committee and the mayor, and what in turn was submitted to the Boston City Council, what action was taken at either ways and means level or full council level on the budgetary resources needed if they were isolated to carry out desegregation, and counsel can pursue that with the staff.

Chairman Flemming. I will ask Counsel to work with appropriate staff people to develop that exhibit. Once it is developed, without objection it will be entered in the record at this point.

Commissioner Horn. Two last questions. Mr. O'Neil, you mentioned you had visited a number of schools in the area. I'm curious, did you ever visit the Jeremy Burke High School?

Mr. O'Neil. No, sir, I never have.

Commissioner Horn. We have had testimony here that things went very well on a biracial basis at Jeremy Burke. You might wish to visit there.

My last question is: You said in your statement that people are being carried out of school on stretchers. Could you furnish this Commission with an exhibit, by name, of the individuals in the past year that have been carried out of the Boston schools on stretchers?

Mr. O'Neil. Not at this very moment, but I can.

Commissioner Horn. Oh, no. We'll give you time. We will keep the record open.

Mr. O'Neil. Sure.

Commissioner Horn. Mr. Chairman, I'd like that put into the record at this point.

Chairman Flemming. Without objection, it will be done.

Mr. O'Neil. I do say this, Mr. Horn, that I've used the name of Michael Fay and some of the aides that I've seen carried out of the schools.

Commissioner Horn. That's a vivid description, you know, "carried out on stretchers." I'd just like a list.

Mr. O'Neil. I'll give you the names and the dates.

Commissioner Horn. Thank you.

Chairman Flemming. Commissioner Rankin? Commissioner Saltzman?

Thank you very much for [inaudible] in presenting the testimony that you had.

Mr. Stocks. Mr. Chairman, do you have the speech available?

Mr. DiCara. I can have it over here in 5 minutes.

Chairman Flemming. Well, that's all right. If you get it over by tomorrow, we'll get it into the record and be very happy to do it.

Mr. O'Neil. Chairman, one matter I left out on those remarks that I made. I included [inaudible] will give you a copy of a letter I wrote to Judge Garrity on January 20, concerning what I thought, as president of city council, was the best course to follow.

Chairman Flemming. If you would like to attach that to your statement and we'll enter it in the record at that point. Thank you very much.

Ms. Hicks. Mr. Chairman, I would like at this time also to offer to you the *Indiana Legal Forum*, volume 6, page 710 of May 1973 as an exhibit. And I also would like to thank this Commission for the dollar which you sent me as a witness here. And I—at this time, I am going to make it payable to Restore Our Alienated Rights, because I am very concerned relative to the forced busing program, and I do this not contemptuously but from conviction forced busing is wrong.

I've only received $1. If you are going to give me more, then I shall also give that amount. Thank you very much.

CHAIRMAN FLEMMING. We will be glad to enter into the record the article—

MR. O'NEIL. Just one thing. The letter I sent to Judge Garrity was signed by 34 elected officials in the city of Boston.

CHAIRMAN FLEMMING. Well, that will show in the record when you present that as the exhibit. Thank you all very much.

Counsel will call the next witnesses.

MR. STOCKS. Wallace Sherwood, Attorney General Francis Bellotti, and Gregory Anrig.

CHAIRMAN FLEMMING. If the witnesses would stand, please, and raise their right hands.

[Whereupon, Wallace Sherwood, Francis Bellotti, and Gregory Anrig were sworn by Chairman Flemming.]

CHAIRMAN FLEMMING. Thank you, and we appreciate very much your being with us.

TESTIMONY OF WALLACE SHERWOOD, COMMISSIONER, MASSACHUSETTS COMMISSION AGAINST DISCRIMINATION (MCAD); FRANCIS BELLOTTI, ATTORNEY GENERAL, COMMONWEALTH OF MASSACHUSETTS; AND GREGORY ANRIG, COMMISSIONER, STATE DEPARTMENT OF EDUCATION.

MR. STOCKS. Would you each state your name, address, and occupation for the record. Mr. Anrig?

MR. ANRIG. My name is Gregory Anrig, commissioner of education for the Commonwealth of Massachusetts. My office is at 182 Tremont Street in Boston.

MR. STOCKS. Mr. Sherwood.

MR. SHERWOOD. My name is Wallace W. Sherwood. I am associate commissioner on the Massachusetts Commission Against Discrimination. I am an attorney, and I live at 18 Ellery Street in Cambridge.

MR. STOCKS. Mr. Bellotti?

MR. BELLOTTI. Francis X. Bellotti. I live in Quincy, Massachusetts. I am an attorney, and I am the attorney general of the Commonwealth of Massachusetts.

MR. STOCKS. Mr. Anrig, would you identify for us the responsibilities of your office as commissioner of education in the State of Massachusetts?

MR. ANRIG. Yes, Mr. Stocks. As commissioner of education, I am chief executive officer of the State board of education, and the chief State school officer of the Commonwealth for elementary and secondary education.

In that capacity, I have responsibility for supervision of all educational work which is supported in whole or in part by the Commonwealth, and I also have some other duties that stem from that.

The main duties that the commissioner carries, however, are those responsibilities of the State board of education in carrying out policies set by the State board.

The purpose of the State board of education is to support, serve, and plan general education in public schools. The State board also has authority to withhold State funds from school committees which fail to comply with provisions of law, and also has responsibility for seeing that school committees comply with all laws which relate to the operation of the public schools in the Commonwealth of Massachusetts.

Mr. Stocks. Given those duties, has the State board taken any role in school desegregation in the State of Massachusetts and in the city of Boston, and if so, what has been that role?

Mr. Anrig. It has indeed. Mr. Chairman and members of the Commission, I would like to make clear that in no other State that this Commission could visit in the union, would you find a State board of education which has exercised more discretion within State law and State administrative authority in bringing about the reduction of racial isolation in public schools.

The State board has done this under the authority of the Racial Imbalance Act passed in 1965, the only such law in the United States—State law in the United States. In the period of time of 10 years since the Racial Imbalance Act was passed, the State board of education has eliminated in cooperation with local officials racially imbalanced schools in three communities, and this past year in the city of Springfield.

For 10 years, it has been in contention with the Boston School Committee in the matter of eliminating racial imbalance in the Boston Public Schools. During the course of that period of long, hard negotiation, confrontation, compromise, and attempts to bring final resolution to this, the State board of education has had to terminate funds from the State to the city of Boston on no less than two occasions, and has been in negotiation steadily during that period of time, including most recently in the Federal court case.

I would want to add, if I may, Mr. Stocks, that Judge Garrity in reaching his decision, noted that the State board is a defendant in the case, but in terms of his findings had found that the State had exercised all the authority it had within its limited jurisdiction during the long, 10-year struggle with regard to the city of Boston.

Mr. Stocks. As to specific activity undertaken by your office during the initiation of school desegregation under Phase I, could you comment on what specific preparation you took with the business community to facilitate the implementation of Phase I?

Mr. Anrig. Yes. If I may, I would like to take it a step before that, Mr. Stocks.

First, I would like to say that there's been some criticism of the so-called Phase I plan. I'd like to just give some sense of how we reached that point, if I may, if that's consistent with your question.

I mentioned already that we had been in negotiation with the city of Boston for 10 long, hard years. We had adopted what was called a first-stage plan in 1967, a second-stage plan in 1968, a third-stage plan in 1969, and finally, in the 1970-71 period, decided that we had to come up with a comprehensive plan.

The State racial imbalance law, if it operates well, requires of the local school officials, including the local school committee, that it propose the plan for desegregation.

The Boston School Committee for 10 years has consistently refused to propose a plan which would do away with racial isolation and racial imbalance in the Boston public schools. It was therefore necessary and incumbent upon the State to take such action. And in October of 1972 the State proposed a plan which would give the school committee a period of time to involve the community, to involve teachers, to involve students, in the specific design of that plan. It was more a schematic than a plan.

The Boston School Committee's response to that was to submit instead a 2-1/2 page—what it called "plan." That 2-1/2 page plan is what I would have called "down south freedom-of-choice approach." The rhetoric was a little different, but the substance was the same. It was at that point that we then proceeded to go through State court procedures.

On February 23, the State supreme judicial court ordered that the State board of education hold what are called adjudicatory hearings. I might add I was just appointed that month and I didn't even know what "adjudicatory" meant. But we proceeded to have those hearings.

We didn't receive from the Boston Public Schools until February 16 the so-called "geocode" data to develop a plan with. We got that data on February 16, and by March 9 had submitted the skeleton of the Phase I plan to the State task force, and eventually to the hearings held by Professor Jaffe.

During the course of the hearings, a revised plan was developed and concurrent with those hearings, I and other members of the department of education staff began a series of steps to work through the media, the business community, the teachers' union.

We held meetings with the Home and School Association, with the little city halls personnel. If you name a group, we met with them during that period of time, in terms of explaining the short term plan, trying to get their cooperation and if not their cooperation, at least their understanding and correct information out.

I have the dates and so forth. I won't go into that at this point. But just to say a list of the kind of people we met during that period of time the Office for Civil Rights, Community Relations Service, home-school relations leadership, chamber of commerce twice, Model Cities group, the committee on education, the Governor, little city hall personnel, the Boston Teachers' Union—three workshops with them—meetings with the Lieutenant Governor, the Community Police Officers' Association. That gives you some sense of the range and frequency during really what was a 3 months' time of meetings that we held to hopefully carry out that Phase I plan peacefully.

MR. STOCKS. Did you in these various meetings find, one, those institutions and agencies helpful, and two, were they willing to take a positive role in preparation for the implementation of Phase I?

MR. ANRIG. Well, I think it varied from one organization to another. I found the Boston Teachers' Union, then and since, generally constructed in terms of not supporting the position of the State or the court, but at least in terms of saying if it has to be, let's do it in a way which is as beneficial as possible for the children concerned. So the reaction from those personnel I found very constructive.

In terms of the little city hall personnel, we found that constructive.

In terms of the Home and School Association, the night that we had the meeting of the leadership, I was very impressed with how industriously they were working over the maps and information we had, until I found out that they were organizing a demonstration while they were in my office there. So that wasn't particularly, I thought, a productive session.

I found the police officials that we met with constructive. The chamber of commerce people I think felt a degree of helplessness, wanting to do the right thing but not being too sure how to muster business and industry support for what was necessary under law.

MR. STOCKS. From your experience under Phase I, what is it you propose to do in Phase II?

MR. ANRIG. In terms of the State's position—that is, the State board of education's position on this, we've been trying to do really three things: One is to maintain administrative pressure on city and school officials in the city of Boston with regard to such matters as attendance, new high school construction, private academies, and these kinds of matters; secondly, to maintain a strong legal role in the court proceedings before Judge Garrity; and third, as much as possible to focus Federal and State funds upon the city of Boston.

We have, for instance, with regards to chapter 636, a new State law—provided this year $4.75 million in educational improvement grants to the city of Boston.

In addition, we are in the process of providing $1.5 million in magnet school programs for the city of Boston or suburban areas involving Boston children in it. I have also designated a special department team in the department of education to accelerate the processing of Federal funds to the city of Boston.

We are engaged in the master plan required by the court order with regard to occupational education. And next Tuesday, we will be awarding almost $900,000 in State funds for the university involvement with the city schools as has been requested by Judge Garrity.

I continue to cooperate fully with the superintendent of schools. On Monday, he and I will be meeting with the U.S. Commissioner of Education, seeking funds under the Emergency School Aid program for the Boston Public Schools. I also maintain close coordination with the Boston Teachers' Union.

I think that is about as complete a summary as I can give. In addition, we cooperate through the attorney general's office on public safety planning, and as I say, we've been playing a rather active role in court, to put it mildly.

Mr. Stocks. Thank you very much, Mr. Anrig.

Mr. Bellotti, you are the chief legal officer of the Commonwealth of Massachusetts as the attorney general?

Mr. Bellotti. Yes, I am.

Mr. Stocks. Do you know of the legal obligations of parents to send their children to school and the legal obligations of students to attend school according to Massachusetts law?

Mr. Bellotti. Yes, I do. This generally falls within the administration of the department of education of which Mr. Anrig is the commissioner. Our involvement on this is local enforcement in the first instance, and I think it's important for you to understand the legal structure in this State.

We do not have the personnel to get into all the local areas. The primary enforcement responsibility is the local responsibility. However, the attorney general, by statute, has jurisdiction in any criminal case at any stage of the proceeding, so we can go in. It's not a healthy situation, unless it's absolutely necessary.

We would be involved in the truancy if the local people did not enforce the truancy laws where they should be enforced. Mr. Anrig would then come in, and we would represent Mr. Anrig and the board of education. I have a statutory obligation to represent the agencies of government.

So I see our role in that, as in many other things, as a dual role: number one, representing the commissioner and the board of education; number two, ensuring the safety of students going to school.

Mr. Stocks. Could you just briefly—either of you—indicate for the record what are the sanctions—that is, for violation of the law, as to parents and as to children in school attendance?

Mr. Bellotti. I think Mr. Anrig should better address himself to this.

Mr. Anrig. Thank you. The responsibility for carrying out the State mandatory attendance law rests with the superintendent of the local school district. If a child is not in school and should be in, is of mandatory school age, then the school department is responsible for sending somebody to the home for establishing the reason for the absence, and for counseling the parents and the child to get that child back into school.

If the parent refuses to have the child attend school or if the child refuses to attend school, it is the obligation of the school department to refer that matter to the juvenile court, which has initial jurisdiction in these kinds of cases.

In the court, it is my understanding–if I remember correctly–that a parent may be subject to a fine of up to $200, and I believe there is a possible jail sentence that goes with that, but I don't recall offhand.

MR. STOCKS. Thank you.

Mr. Sherwood, as a commissioner of the Massachusetts Commission Against Discrimination, are you aware of the roles that commission has played in school desegregation in Boston?

MR. SHERWOOD. Well, unlike the other enforcement agencies, our role has been extremely limited. I think our role has been confined to two cases: One is the *Underwood* case, which involves the voluntary, I guess, transfer of students within the school system; and the *Upshore* [phonetic] case, which involves the admission standards used for admission to the so-called elite schools in the Boston public system.

Now, I can say I honestly don't know, and I don't think anyone knows, the reason why the commission hasn't been more involved. I think we can state directly that there haven't been many complaints regarding the public schools in Boston to the Commission.

The reasons for that may be lack of confidence, or on the other hand, the commission simply doesn't have the resources that other commissions or the court have for dealing with these large problems.

In 1974 we had four discrimination cases filed with the MCAD. Three were filed on the basis of race and color, and one on the basis of sex.

MR. STOCKS. Can I just interrupt you a second for a point of clarification? The complaints filed with the commission, are they limited to employment, school attendance, or treatment in the school? Could you just spell that out for us?

MR. SHERWOOD. Well, the commission, of course, has jurisdiction over employment, public accommodations, housing, and in the past, education—the admissions—with regard to public schools and other schools.

Presently there is a bill pending in the legislature that will give the commission jurisdiction over not only admissions to the public schools but treatment of the students once they are in the public schools.

So the fact that the commission's jurisdiction in the past was limited to admissions, may also have been a reason why we haven't been more involved in the public school situation in Boston.

MR. STOCKS. Was that jurisdiction on admissions limited to an allegation of discrimination, that is, being denied admission on the basis of race or some other area?

MR. SHERWOOD. Well, I guess it would be correct to say that. Of course, you know, the race allegation was in there before the sex, but the sex was subsequently added. Right now, of course, there is still the exemption based on—that is, for religious schools—based on religion.

Mr. Stocks. Can you briefly tell us what has been the results of the two cases that have been filed with the commission?

Mr. Sherwood. Well, the *Upshore* case which had to do, again, with the admission test used with admission to the elite schools, the commission found that these tests were not validated, and they had the effect of denying admission to black and other minority students.

The commission entered into an agreement with the school committee whereby the school committee would contract with the Educational Testing Services in New Jersey to use validated tests for admission to these schools. They also made an agreement that a certain amount of seats would be set aside for kids from areas—or minority kids—who have been denied admission in the past.

Now, the Commission has made attempts after this to followup on this agreement, but unsuccessfully. The school committee has been very uncooperative.

Mr. Stocks. Thank you. I have no further questions, Mr. Chairman.

Chairman Flemming. Mr. Attorney General, do you also serve as counsel, in effect, for the Massachusetts Commission Against Discrimination?

Mr. Bellotti. Yes, I do. We serve as counsel to every State agency: the Massachusetts Commission Against Discrimination, the board of education, all of them.

Chairman Flemming. I was wondering if you or you and Mr. Sherwood could outline what is the statutory—what statutory responsibility has been assigned to the commission? Is it fairly broad?

Mr. Bellotti. I would say it is very broad. Mr. Sherwood could probably get into a great deal more detail and probably would want to do this, but I would say it's very broad.

It would have to do with discrimination because of race, because of sex, because of age. Any case of discrimination can go before it—and housing can go before the Massachusetts Commission Against Discrimination.

Many of these are handled at the administrative level by the commission. When they go to court, the department of the attorney general would handle them.

Chairman Flemming. The commission itself can't issue an order. It's got to go through the courts in order to—

Mr. Bellotti. No, the commission can issue an order.

Mr. Sherwood. The commission can issue an order. As a matter of fact, there was a recent case—

Chairman Flemming. Right. And what force does that order have? I mean, let's assume that you issue the order and it's ignored. Then what's the next step?

Mr. Sherwood. Well, the commission can issue orders, but it has to go to court for enforcement of the orders.

Chairman Flemming. Right. It's at that point that the attorney general—

Mr. Sherwood. Moves in, right.

Chairman Flemming. —steps in.

Mr. Sherwood. Now, in the past there's been some jurisdictional problems, I guess. I don't know how they'll be resolved in the future, but there's been a question of whether or not—see, there's a problem in that once the case goes to court, the commission itself becomes a party, and since the attorney general is the lawyer for the commission, then the attorney general, it is argued, should properly prosecute the case.

On the other hand, the complainants themselves, individual people, argue that, while it is a State action, they are also involved and they are entitled to have a private attorney. I assume we will just work this out sort of informally in the future.

Chairman Flemming. Does the commission report directly to the Governor?

Mr. Sherwood. Well, the commission reports—in the past, again—we are in the process, I think, of changing over—the commission reports to the secretary of administration and finance, which is the housekeeping agency of the Massachusetts government.

Chairman Flemming. How many employees does the commission have?

Mr. Sherwood. The commission presently has 62 employees. There are four part-time commissioners, one of whom sits as chairman and spends virtually full time on the job. Our budget in 1975 was $977,762. We are forced under the austerity program to cut, as all State agencies are.

Chairman Flemming. Commissioner Horn?

Commissioner Horn. Commissioner Anrig, what is your responsibility to see that the school districts of Massachusetts carry out the various State laws that pertain to education, not simply the ones that particularly affect desegregation?

Mr. Anrig. Mr. Vice Chairman, the State board of education and commissioner are the senior—is the senior agency for carrying out all laws which affect elementary or secondary education in publicly supported schools.

Commissioner Horn. Do you have a financial audit or management audit team to help you in assuring that these laws are being carried out?

Mr. Anrig. We do have what is called a bureau of external audit. We have about 30 personnel in that bureau, which is concerned with the financial part of the auditing. In addition, we have six regional offices across the Commonwealth which are responsible for program auditing as well.

Commissioner Horn. Is one of those offices located in Boston?

Mr. Anrig. No, it's in Cambridge. It's called the Greater Boston Regional Office.

Commissioner Horn. But the Boston School Committee would come within its jurisdiction.

Mr. Anrig. Because Boston has been such a special case, and especially with regard to racial imbalance, we have been handling that directly from the commissioner's office and what is called the bureau of equal educational opportunity.

Commissioner Horn. With regard to school attendance, besides the law, have administrative regulations been issued by your office to the various school districts of Massachusetts as to how that law is to be carried out, what is the data required to affirm that it is effectively being carried out?

Mr. Anrig. There is a board policy with regard to the minimum length of school year and minimum length of school day, which sets the basic attendance requirement and the age of the children.

Beyond that, the responsibility for carrying that out rests with local policies. The law is about a paragraph long, and says that this is the responsibility of the local official.

Commissioner Horn. But I take it the regulations are a little longer.

Mr. Anrig. With regards to maximum school year and minimum school day, yes.

Commissioner Horn. Mr. Chairman, at this point in the record, I would like the commissioner to furnish that material as an exhibit.

Mr. Anrig. I'll be happy to do so.

Chairman Flemming. Without objection, it will be done.

Commissioner Horn. Now, Mr. Anrig, if thousands of students remained out of the Boston schools last year, is it unreasonable to believe that the school attendance laws were being violated?

Mr. Anrig. It is not unreasonable to believe that, Mr. Vice Chairman. We have been in regular communication with the Boston school authorities since beginning the period—I believe it was late October. We, by decision—by my own judgment—decided not to take any steps in the opening weeks of school, but then after going on television a number of times and saying that the time had come to proceed on the enforcement of the attendance law, did start to negotiate and communicate with the superintendent of schools.

He designated somebody to be his attendance coordinator, instructions were given to the attendance department, and we began to get regular reports from the Boston schools on the number of children who were absent, the reasons for these absences, and actions to be taken accordingly.

Commissioner Horn. Were these communications with the superintendent of the Boston schools by telephone or by letter?

Mr. Anrig. Both.

Commissioner Horn. Could we have for the record the exchange of correspondence between you and the superintendent of schools, or your staff, relating to attendance and the enforcement of that State law?

Mr. Chairman, I'd like that as an exhibit at this point

Mr. Anrig. Certainly.

Chairman Flemming. Without objection, it will be done.

Commissioner Horn. Besides the exchange of correspondence, did you request an investigation of this situation by any of the regional staff you have in Cambridge, or your auditors?

Mr. Anrig. No, we did not, Mr. Vice Chairman. The initial responsibility for carrying out the law, that is, to do the investigation of the absences, rests with the local school authority. It would not be proper for us to go in and investigate the individual absences. It would be within our authority to investigate whether the attendance department, for instance, was carrying out its responsibility. I did not initiate such a study.

Commissioner Horn. Obviously, I'm leading to my last question which is: If you found gross violations of the attendance law or any other law that you have and the board of education of the State of Massachusetts has responsibility for enforcement, could you freeze, under your existing authority, State funds that go to the Boston schools if such massive violations were found?

Mr. Anrig. It would be within the prerogative of the State board of education to freeze all so-called chapter 70 funds to the city of Boston.

It would also be within our authority to make an audit exception to fund specifically for the attendance department if it was not doing our job, at least I believe it would be within our authority to do that. We have not chosen to do that, though, Mr. Vice Chairman, for a couple of reasons.

First of all, while racial balance was the overriding issue, we are also trying to place into effect in Boston a new special education law and to enforce and carry out a new—relatively new bilingual education law. And it was just a matter of where we are going to put our pressures at any one time and hope to have any resolution of that at all.

Because the attendance law dealt with individual children and therefore could seem to be punitive towards individual children, I chose not to go that route this year. I think our position next year would be different than that.

Secondly, I think we would not go the route of cutting off funds except as an extreme last resort because, as with HEW enforcement of this down south, the ultimate deprivation of that is to the child who would otherwise receive the service, so we would prefer not to go that route. Our normal route, I think, would be to go to see court enforcement.

Commissioner Horn. Could you furnish this Commission a list of funds that have been made available by the State board to the Boston School Committee for the last 2 fiscal years by general categories, so we can get an idea of the interrelation?

Mr. Anrig. Yes.

Commissioner Horn. Thank you.

Chairman Flemming. Commissioner Freeman?

Commissioner Freeman. Mr. Attorney General, I have been concerned for many, many years over the extent of the effect of discrimination in housing, not only discrimination against minorities, but also discrimination against the poor, where there are areas in the city or in a subdivision or a political unit of any kind, that would exclude the poor and the minorities.

I would like to ask you if—what are your duties with respect to the enforcement of the fair housing laws, if there are any, in this State?

Mr. Bellotti. If there are violations of the fair housing laws, the complaints would initially generally be lodged with the commission against discrimination which would largely enforce them, and then we would get in as counsel when it went to court.

However, let me say this: I see a—maybe a slightly different, more affirmative role for the attorney general in this Commonwealth, one probably more firm than has been exercised by attorneys general historically throughout the country.

As we get into position—I'm a new attorney general. I have been in office since January 15 of this year, have minimal experience with Phase I of the desegregation order, and am preparing for Phase II, and these other things you are talking about.

And we intend to look into all areas of discrimination, housing, employment, things of that nature. I do not have statutory authority as such in each of these local laws, for example, the [inaudible] zoning laws, things of that nature. As they come to us on appeal, then we're into it.

However, I believe that every area of discrimination would come ultimately within the purview of my department.

Commissioner Freeman. The other aspect that I would like to ask you to address yourself to is the revenue sharing. There is money that comes to each of the States as revenue sharing funds, and one of the basic requirements of these funds is that the funds—the administration of the funds, the beneficiaries of the funds, be without regard to race, creed, color, national origin, or sex.

And I would like to ask you if your office has done any study of the use of the revenue sharing funds in the various localities, particularly in the city of Boston.

Mr. Bellotti. They have not, since at least I have been in office. And it would seem to me that these are not administered through the department of the attorney general in any event. I would think they would come through the executive department of the Governor's office, things of this nature.

However, it would seem to me that this would be something that would most logically fall within the purview of the Federal Government as, I think, a great many parts of the desegregation program, and I think that the presence of the Federal Government at least in Phase I of the desegregation program and probably in these areas has been somewhat absent.

COMMISSIONER FREEMAN. Well, the point is that the money that comes to the State, the revenue sharing funds that come to the State, come with the strings attached to it that there should be no discrimination.

Now, when the Federal Government takes action, it is after there has been a showing that there has been discrimination.

What my point is, that you as a chief legal officer of this State of the extent to which you advise the State officials—and you say that you are the attorney for the State officials—

MR. BELLOTTI. Right.

COMMISSIONER FREEMAN. —of their obligation, their affirmative duty with respect to the revenue sharing money.

MR. BELLOTTI. I would say that we—as the State is involved, we would advise them. We have an obligation to render opinions which do not have the force of law but have something slightly less than that. If you're asking me what has been done—

COMMISSIONER FREEMAN. That is the next question.

MR. BELLOTTI. I do not know what has been done because I have just taken office in January, and we will get into this type of thing. And this will be part of some of the affirmative things that we intend to do. You're asking me—the very short answer to your question, I suppose, should be, what do I intend to do.

COMMISSIONER FREEMAN. That's right.

MR. BELLOTTI. I intend to move affirmatively in that direction and do those kinds of studies and talk to those State agencies that are affected by this and do whatever is within my power to make sure that those monies are administered properly and that there is no discrimination in the administration of them.

COMMISSIONER FREEMAN. Would you then make available to this Commission, sir, the copies of any opinions which you give—offer to the officials who receive any revenue sharing funds whatsoever, especially as they relate to the subject of our discussion here?

MR. BELLOTTI. I have no objection to this, but do you mean—within what time parameters? Within the next 2 years, within my terms of office, how long? I don't even know if this commission will be in existence in another 6 months.

COMMISSIONER FREEMAN. Well, I believe that revenue sharing funds will be coming in within—to the city of Boston and the State of Massachusetts before the expiration of the next few years.

If they come in quarterly, probably some money will be coming in within the next week; is that not correct?

MR. BELLOTTI. That's right.

What I'm saying is how long, once I make this commitment—I mean, how long does it last? Let me say this—

COMMISSIONER FREEMAN. Well, just let us have the next one that you—the funds will be coming in within the next few days, and if you will—

Mr. Bellotti. As I am involved—let me say this, Commissioner. As I am involved, I would not render an opinion unless I were asked. I have no—not only an obligation, but it doesn't really mean anything if I do.

However, let me just say this to you. I will commit to give you whatever information comes to our attention and in our affirmative actions that would be, in my judgment, assistance to this Commission. And if that is not enough, then you may ask—

Commissioner Freeman. All right, then. Mr. Anrig's office is the one that you would be giving advice to.

Mr. Bellotti. Right. And I anticipate no problems with Mr. Anrig.

Commissioner Freeman. Then I would then ask Mr. Anrig to ask you for an opinion with respect to what his obligations are with respect to the revenue sharing money, and then if he would ask you for that opinion, then would you make available to us a copy of that opinion.

Mr. Bellotti. Can I just say one thing, Commissioner? You don't—Mr. Anrig would not have to ask me for an opinion formally. The only reason he would do that is if he had some difficulty making a decision. We talk almost on a daily basis. We have no problems. If he had any difficulties, you know, he can contact me.

Whatever information that Mr. Anrig feels and you feel that you would like to have, we have no hesitancy in giving it to you. We do not need the formal structure of an opinion to do this. We want to help.

Commissioner Freeman. Well, I only said that because you said that you couldn't give an opinion unless you were asked for one.

Mr. Bellotti. That's right, but you see, you can't then go back and restructure that and say you asked for one. In order to ask for it, it must be in order to perform a State function. And in decisions that Mr. Anrig must make by law and is not sure of which way to go on it, he would then ask me for an opinion and I would be obliged by statute to render it to him.

If he knows, he wouldn't ask me for an opinion. But I think you're looking for something a little more than that. I mean, you're looking for, you know, what evidences of discrimination are there, and what do we intend to do about it, and my answer to that is we will cooperate with you and give you that.

Commissioner Freeman. Well, this Commission has released two reports on revenue sharing, and we have made findings that there was discrimination in the use of revenue sharing funds, and we have expressed concern of the extent to which those funds could continue to be used in a method that would be contrary to law, and this is—it is in this regard that I am posing this question.

Mr. Bellotti. Okay. Let me just, if I may, answer that. If Mr. Anrig looked into that—and it would not all be in Mr. Anrig's domain. He does not have to do with housing. Then if that—

Commissioner Freeman. Schools and housing.

MR. BELLOTTI. Schools and housing. As it relates to schools, I am sure that Mr. Anrig and I will look into it and do what we can, and I think that the ultimate responsibility will then again be with the Federal Government to get to the end of the line.

COMMISSIONER FREEMAN. Thank you.

MR. BELLOTTI. We will cooperate.

COMMISSIONER FREEMAN. Thank you.

CHAIRMAN FLEMMING. Commissioner Saltzman?

COMMISSIONER SALTZMAN. I have only one question which I'd like to ask of the three gentlemen: What might be the elements of a more affirmative and visible role played by the office of the Governor and the office of the State attorney general in advancing the Phase II aspect of the court order?

MR. BELLOTTI. May I address myself to part of your question?

COMMISSIONER SALTZMAN. Please.

MR. BELLOTTI. I cannot speak for the Governor's office. I can speak for the department of the attorney general. And I am sure, as you know from your studies, you know that there has not been a great deal of affirmative action from the attorney general historically.

We intend to, and as we have done—I have assigned a full-time, extremely experienced attorney named Timothy Wise, who has a history of civil rights, to Mr. Anrig as his counsel as an assistant attorney general in my office.

He is helping Miss Sandra Lynch, who is also counsel to the commission against discrimination. We have taken a very—I take a very strong position that we enforce the law as it presently exists. We defend Mr. Anrig in suits that might be brought against him. We have taken affirmative action in these areas; we intend to do this. I intend to, very vigorously and very visibly, to enforce the law as it relates to violence, as it relates to the rights of children to become educated. And I think this may get—cut somewhere across your truancy problem, may yet indicate some of the reluctance of people to enforce that law in a broadly based way.

I think the safety of children is involved here. We will not—the department of the attorney general will not tolerate any violence, either inside or outside the school, as we may affect it.

And what we have done in this area, just so you know, is we have met with all of the local, Federal, and State law enforcement officials that we could to try and help to do the things that are necessary to make sure that there is no violence. We intend also to meet with a smaller group.

COMMISSIONER SALTZMAN. May I just interrupt, sir?

MR. BELLOTTI. Yes.

COMMISSIONER SALTZMAN. Does that include the meeting with the mayor's office because he sort of indicated that there was some problems of communication in this area?

Mr. Bellotti. I do not believe that we have any problems of communication. We have met with the commissioner of police, who is the enforcement arm of the mayor's office, and I would assume that the commissioner of police must keep the mayor informed. We have met with—

Commissioner Saltzman. I think he referred particularly to the Federal area. I mean in coordinating.

Mr. Bellotti. I see. You're talking about Phase I. That was—I was not in office at that time. I took in office on January 15, and began to change a great many things.

I can accept those responsibilities from then on. We have no problems of communication. Some called the meeting and everybody came, the head of the State police, the secretary of public safety, who was a cabinet member of the government office and very cooperative, and everybody has cooperated.

Now, I see a role here for the attorney general without upsetting the lines of jurisdictional authority to come in where the law is not properly enforced, to make sure that it's enforced.

To preclude this happening, I have talked with the attorney of Suffolk County, which is the affected county, and intend to have a smaller, more manageable group of the district attorney in Suffolk County, maybe the commissioner of police, the patrolmen, that type of thing, all of which—the MDC, the metropolitan district police who are involved in this, and the State police.

So when there is a happening or a tendency—for example, we had almost—precisely such a happening. There were threatening phone calls to a member of the board of education and they were able to trace the potential offender, and we moved in to make sure that the district attorney was involved in the probable cause hearing or the issuance of the complaint hearing, and the complaint did in fact issue.

We intend to move in all of these areas to prevent violence to make sure that people are able to live in peace under court orders.

Commissioner Saltzman. May I ask for a point of clarity. In Phase I—and I'm only asking it as it will refer to the future—there seems to have been some confusion as to the processes of securing Federal policing assistance.

Has that been clarified? Does the Governor's office and the mayor's office now both understand what is the process—

Mr. Bellotti. Really, I am not sure I understand the degree of Federal involvement.

As I understand it, it seems to be an after-the-fact involvement. In other words, I do not—as I understand it—I could be very well mistaken. Maybe you people can clarify this with some other Government witness much better than I, that the Federal marshals do not intend to become involved as Federal presence until after something happens.

I am not at all sure that there is enough visible Federal presence or that there had been in Phase I. I was not here. I was not in office.

But it would seem to me that it's a Federal order, Federal court; it should be Federal presence, including maybe an involvement by the United States Attorney General.

Mr. Anrig. Commissioner Saltzman's—the second part of his question had to do with the Governor, if I may, but I first want to acknowledge and support the attorney general's position that the cooperation with his office and the State board of education has been first rate, and we are most grateful for this and I think that's most important in this kind of situation.

With regard to the Governor, while I am not an official spokesman for the Governor—I work for the State board of education—let me say that, since the current Governor took office, he has been very eager to be supportive and helpful of the situation in Boston, first with regards to finding whatever possible State funds can be made available to the city of Boston. And he and his staff have been very active on this.

Second, on cooperating with the attorney general's office on the matter of public safety. The secretary of public safety and the secretary of educational affairs are in on those meetings, including today; and third, on matters of alternative sites, when there were some disturbances in two of the high schools in particular, the Governor moved in very fast to offer the availability of what he called "mutual sites," which were State buildings which could be used on an interim basis in case it was decided by local authorities or the court to close down the troubled high schools.

So the Governor has, in the short period of time he has been in office, attempted to take a very positive, constructive kind of role in the matter in Boston.

Chairman Flemming. Commissioner Rankin?

Commissioner Rankin. Attorney Bellotti, in your vast political experience and your experience—

Mr. Bellotti. Are you implying that I'm a political person?

[Laughter.]

Commissioner Rankin. Well, wouldn't you say so? You've held various offices.

Mr. Bellotti. That's right, and I have tried for others I have not held.

Commissioner Rankin. And your responsibility has been the entire State of Massachusetts at times, as it is now.

How do you explain so much trouble in Boston and not any trouble in Springfield, and not any trouble in other areas in your State? Is it the size—could you say just shortly, is it the size of the city, the racial makeup? What is it?

Mr. Bellotti. Well, it is difficult for me to say this, but I think the two major urban areas where integration would seem to be a problem would have to be Springfield, which is the third-largest city in the State, and Boston.

You're not going to have it in suburban areas, generally; you're not going to have it in rural areas. You have had some problems in Springfield.

Commissioner Rankin. But it's mainly an urban problem.

Mr. Bellotti. It's always, in my judgment, an urban problem. It seems to me historically it's been an urban problem.

Commissioner Rankin. And the larger the city, the harder the problem, is that correct?

Mr. Bellotti. Well, Boston is quite different than most cities in that every ward in Boston almost has a different ethnic complex. It is almost an entity unto itself, and the people think differently and they act differently, and they guard jealously, I think, the neighborhood aspects of their living. For example, in Charlestown, a very, very small ward, it's next to Ward 1 which is Italian and Ward 3 which is Italian generally, and Ward 2 is in the middle and that's mostly Irish.

Now in Charlestown, people call themselves "Townies." It's almost like a town. Everybody knows each other in that town. There's a very strong, like neighborhood kind of—

Commissioner Rankin. So you would put that neighborhood feeling—

Mr. Bellotti. I would say that's one of the aspects. It's quite different than most cities in the country, as I understand most cities in the country. I can almost look at Boston—I grew up in Boston. I probably lived in maybe 7 or 8 wards. I'd say it's almost an entirely different cultural and sociological rooting than any place that I have observed in the country.

Commissioner Rankin. Time is running out, but I have one other question. We heard this morning that flight to the suburbs has taken place since the start of Phase I.

Down in my country, the flight to the suburbs has been going on for 10 years, and it goes on whether we have forced busing or we don't have forced busing, it's taking place.

Mr. Bellotti. We've had that here.

Commissioner Rankin. Isn't that true also here?

Mr. Bellotti. I'd say that in Boston—again you say—you implied—indicated that I had a political background, Commissioner. Let me say this—

Commissioner Rankin. There's nothing wrong in that, is there?

Mr. Bellotti. No, it's good. Let me say—although we always become cleansed once in a while. Let me say this to you: Back in the days of Paul Devon—this might be some indication of the truth of what you are saying—a Democrat had to carry the city of Boston by about 150,000 votes or he would lose.

The Governor, I think, just barely carried Boston. I don't know by how much, maybe 15,000, 16,000 votes. So those people who lived in Boston now live in my community, Quincy, Weymouth, Braintree, the satellite of surrounding towns; they have generally moved out.

I think what they're talking about is like the sudden white flight, the end, "it's over" kind of white flight. I'm not going to get into that. I'm by no means a sociologist.

Commissioner Rankin. But I thought the population of the city had grown recently.

Mr. Bellotti. Boston?

Commissioner Rankin. Yes.

Mr. Bellotti. Diminished tremendously.

Commissioner Rankin. Recently, the last year or so.

Mr. Bellotti. No, no. The Boston—

Commissioner Rankin. Somebody testified that—

Mr. Bellotti. Well, it may have grown from last year to this year, but I think it's gone from over a million to 685,000 in Boston. Boston is not growing.

Commissioner Rankin. But the mayor said this year, I think—

Mr. Bellotti. Since when, since last year? Probably.

Commissioner Rankin. Well, I just wanted to have your—

Mr. Bellotti. I'm only a law officer; I'm not a sociologist. I do the best I can.

Commissioner Rankin. All right.

Chairman Flemming. Thank you, all of you, for being here and presenting this testimony. It will be very helpful to us.

Counsel will call the next witness.

Mr. Alexander. The next witness is in place.

Francis Keppel, would you stand, sir?

[Whereupon, Francis Keppel was sworn by Chairman Flemming.]

Chairman Flemming. Thank you, and we're delighted to have you with us.

TESTIMONY OF FRANCIS KEPPEL, FORMER U.S. COMMISSIONER OF EDUCATION

Mr. Alexander. Dean Keppel, I understand you have a brief prepared statement. Proceed.

Mr. Keppel. Thank you, sir. If I may adapt something, Mr. Chairman—and I apologize for adapting something given to the academic community because I'm sure you have heard a lot of them before.

The matter that I hope will deserve your attention, now and not later, in this whole area, is the way in which the Federal court's decisions are enforced.

As I understand our method of government, the parties, of course, have the right to appeal, and in the end the judgment of the highest court that is in charge has the force of law.

The executive branch of the Federal Government, using whatever powers it believes to be necessary, has the duty to enforce those decisions. It seems to me, sir, as to many citizens, that failing such action, the Federal court shall run the risk of impotence. And the end of that road is rebellion or anarchy.

If one respects and supports our Federal judicial system, as my personal experience in both public and private life has taught me to do with a full and a grateful heart, then I submit that you must follow the implications—all of us must follow the implications of that decision.

The court's decisions must be obeyed by us all, majority and minority. Let us suppose that the Federal executive branch has to be called upon in any case in which a decision of the court is not automatically enforced and in case public order is not maintained. Are we prepared to support and to defend the exercise of such executive powers?

I urge that all of us make up our minds on this question now, in advance of whatever may happen. Surely this is the time to bite that bullet, not in the earthquake and the wind and the fire of the event when such violence takes place.

If Federal troops are needed to preserve and support not, after all, just a single decision of a court, but the whole system of justice and of the country, then so be it. Let those troops be called and let us give them respectful welcome.

I deeply believe, Mr. Chairman, that this is a higher value and a greater good even than all the instincts we all share, in moments of fear, to protect our children and our grandchildren.

Perhaps you will permit me a statement drawn from personal experience. I was one of those whose task was to start the desegregation of over 5,000 school districts in the South in the fall of 1965. It was only a start, and it was done in a time of tension, and there was no violence.

A major reason, perhaps the major reason, was because the President of the United States made it wholly clear that the executive branch of the Government was in full support of the decision of the court and intended to carry out the law.

That, Mr. Chairman, is the statement I wish to make to the Commission whose historical record in this matter I not only know, but for which I have the deepest personal respect.

CHAIRMAN FLEMMING. Thank you very much. We certainly appreciate your coming here and we appreciate your statement.

Counsel, do you have any questions that you would like to ask?

MR. ALEXANDER. One or two brief questions.

Dean Keppel, you have analogized to earlier times in the role that the President played. Do you believe such an affirmative statement by the President would be essential to this situation?

MR. KEPPEL. I do, sir. I believe that a statement by the President of the United States before the opening of schools in the North under the present circumstances would help—make a major contribution, perhaps be the key issue in helping to eliminate, to remove the chance of violence.

After all, it's inevitable that one tends to think up ways of avoiding things when you don't like them. But when you know what's going to happen, there is going to be peace, yes sir, my answer is flatly yes.

Mr. Alexander. As an educational expert and a long-time observer of school desegregation, is it your opinion that school desegregation can in fact bring quality education or cannot bring quality education?

Mr. Keppel. Of course school desegregation can bring quality education. Of course, part of the task of the schools in a democracy such as ours, operating under the Constitution and other provisions that we have, is responsible for teaching about those provisions. The very fact of carrying out desegregation is in itself an educative process.

Mr. Alexander. Mr. Chairman, I have no further questions.

Chairman Flemming. I want the record to show how much personally I respected and admired the leadership that Mr. Keppel gave at the point in history to which he has referred.

I am confident that the kind of recommendations that he made were in large part responsible for the strong leadership that was exercised at that particular point. And I am personally very, very grateful to have you come and talk in this very forceful, blunt manner about a very important issue.

I think I'd like, maybe just for a moment to—referring to the last question by Counsel—ask you if you have taken note of the many articles that have been written in recent weeks where certain views are attributed to Dr. Coleman, relative to what can be accomplished or can't be accomplished through integration; and if you have, whether you would be interested in making a brief comment on it.

Mr. Keppel. Thank you, Mr. Chairman.

Before responding directly, may I express thanks, as a good many Commissioners of Education have in the past, for the continuing courtesy of Secretaries of HEW in their speeches about their subordinates.

[Laughter.]

Mr. Keppel. Yes, sir. But first, I should straighten out the record, I guess.

As Commissioner of Education, I selected Mr. Coleman to write his first report. I didn't like what came out of the report, but it certainly is a first-class job. I happen to disagree with Mr. Coleman's current interpretations rather vigorously, to the extent that I have read them. I would have to say that I have read only the press accounts and I have not read the detail, and as an academic I should know better. But to the extent that I follow Mr. Coleman's recent interpretations, I think I disagree with them.

Chairman Flemming. Commissioner Rankin?

Commissioner Rankin. I'm the southern member, Mr. Keppel, of this group up here.

Mr. Keppel. Mr. Rankin, I know you well, of course.

Commissioner Rankin. And the way we feel about it down south is why should we be treated differently from the rest of the United States? Didn't you understand that, why they feel that way, or not?

Mr. Keppel. Sir, I certainly do.

Commissioner Rankin. Well, can you explain that?

Mr. Keppel. Human error in the North; that is, it would not be as tough on itself as it was with the South.

Commissioner Rankin. But shouldn't we learn by experience?

Mr. Keppel. Yes, sir.

Commissioner Rankin. And we haven't?

Mr. Keppel. I think we are a little, sir. I may be a little more hopeful than you understandably are.

Commissioner Rankin. You think this can be solved here in Boston?

Mr. Keppel. Yes, sir.

Commissioner Rankin. Without violence?

Mr. Keppel. Subject to what I suggested in my opening statement, yes, sir.

Commissioner Rankin. Well, I hope you are right, sir.

Mr. Keppel. Thank you.

Chairman Flemming. Commissioner Saltzman?

Commissioner Saltzman. Dr. Keppel, I am deeply disturbed about—and as I am sure you are and as was reflected in your statement—about the interpretations and attitudes being presently attributed to Dr. Coleman.

I wonder whether you might want to comment on the possibility of a response to those attributions on his part, and from whom such a response might come to best serve the information of the public.

Mr. Keppel. Well, in my judgment, sir, your Commission has had the longest standing in the field of any that I can think of, and it represents the people of the United States. I profoundly hope you will.

Commissioner Saltzman. Thank you, sir.

Chairman Flemming. Commissioner Freeman?

Commissioner Freeman. Mr. Keppel, I also wish to express appreciation for your remarks, and I believe there would be value in such a statement by the President, and I'd like to ask you if you will comment further on the context in which such a remark or such a statement might be made.

Mr. Keppel. My answer may not be direct, and forgive me if it is not, Commissioner Freeman.

I would hope that such a statement could be made not in the heat of the event, but in advance; that is, before the actual opening of the schools, so that it could be entered. I'm sure that in this and other communities—I have in mind Detroit—such a statement would be given very wide attention in the press and the other media.

And I would hope that it would be cast—and here, of course, a citizen can only be very hesitant in speaking to the President of the United States—but I hope it would be cast in the general context of the maintenance of our judicial and executive system and the relationship between the judicial and the executive.

I believe the President could perfectly well make such a statement in terms which would apply to these circumstances in these northern cities, be made perfectly clear that it applies without himself entering into the question of what the decision of the court is. It is in that context perhaps that I believe it should be made.

COMMISSIONER FREEMAN. Thank you.

CHAIRMAN FLEMMING. Commissioner Horn?

COMMISSIONER HORN. Mr. Keppel, I think we know of your record of distinguished service in Washington, and I was glad to hear you say that the President ought to issue a statement in advance. I think you're correct.

I was also glad to hear you praise President Johnson for his support of civil rights. Certainly, when I was on Capitol Hill in those days, he was the strongest of any postwar President in the support of legislation such as the '64 Act and the '65 Voting Rights Act.

However, since you raised what his stand was in the South, just out of historical interest and perhaps perversity, I'd like to ask you if in the case of the Chicago situation where I believe you were quite courageous in wanting to do something about *de facto* segregation in the North as well as *de jure* segregation in the South, is it not correct that you were overruled by President Johnson on that point?

MR. KEPPEL. Mr. Vice Chairman, I should have remembered that I was dealing with a political scientist.

The answer is that that was a *de facto* case. The situation in which I found myself—and by the way, I'm rather unrepentant, I'm not sorry for what I did—had to do with the handling of funds under the Elementary-Secondary Education Act of 1965. The authorization bill had passed, the appropriation had not.

I was therefore, frankly, dealing with rather imaginary money, and the problem was whether it should be distributed to the city of Chicago, even though we had had a serious complaint from a community, a substantial community group, claiming unfair planning for the spending of that money. I have read some political science analysts which suggested that, while I was well-intentioned, I was not very competent.

I do not believe that the President, in any way, on the fundamental issue gave in. I stand flatly behind my statement on President Johnson. If somebody is going to be blamed for incompetence, I think it's me, not the President.

CHAIRMAN FLEMMING. Could I ask Mr. Keppel one question growing out of the experiences you had with the Boston situation.

I am fascinated by that part of the judge's order seeking to really involve the institutions of higher education in this area in dealing with this very important issue.

We are both familiar with the problems that exist in bringing institutions of higher education to the point where they really do get involved in something like this and really make a commitment. Are you optimistic?

Mr. Keppel. Yes, sir. I had the privilege of serving as master for Judge Garrity and was a party, though not a major one, in that development.

I have had the opportunity to hear from several of the university and college leaders in the neighborhood some very optimistic reports. I need not remind the members of the Commission that the colleges and universities are broke these days, too, so one of the problems is money for them.

By the way, if you'll forgive me, if Mrs. Hicks is going to give her money to ROAR, I'm going to give mine to the University of Massachusetts. I did not know that I was going to get a dollar.

Commissioner Freeman. That dollar was for bus fare.

[Laughter.]

The witness fee is $20.

Mr. Keppel. Whatever it was. I will give it, whatever it is.

Yes, sir. The colleges, in my sense of them in this area, have been wanting to do something, and part of the problem was that it was insufficiently specific. You ask a college to so do something vague and general and what does it do, it drives a university president crazy.

If, on the other hand, we ask, as we did—it was in the judge's order—that they take on specific relationships, the major part of it being to raise the morale—after all, this is a fundamental question in this area, raising the morale of a bunch of teachers, many of whom are going through far more personal fear, far more personal hurt than any of us can dream of. The whole morale can be raised.

And if these colleges don't act too hoity-toity—I'm sorry, that's probably not in the dictionary, but you know what I mean—if they do that, and go in there as aides and helpers, I think it will raise the whole morale of the show. And I have reason to be optimistic.

Chairman Flemming. I'm delighted to hear that. I was a little concerned this morning when testimony from the Department of Health, Education, and Welfare indicated that only two of them had applied for Federal funds, which could be of help in this particular area. But that may be because the order is fairly recent and so on.

Mr. Keppel. All I can say is, I'm astonished. They usually are faster on their feet than that.

Chairman Flemming. I was surprised, also.

Any other questions?

Commissioner Rankin. Has the university support up to now been surprisingly small in this area, or has it been strong?

Mr. Keppel. With regard to the Boston situation, Commissioner Rankin?

Commissioner Rankin. Yes.

Mr. Keppel. It really didn't get going to the 1st of June, and I think a lot of what's going on is below the level of public report, that is, deans are talking to principals. I suspect a lot is going on to negotiate out what a particular institution can do with a particular school.

And therefore, frankly, I'm not surprised. I would have expected perhaps—I might have expected five, Mr. Chairman, but I wouldn't expect a full show until July.

CHAIRMAN FLEMMING. Let me just probe a little bit further on that.

You have studied the situation as it developed through Phase I. Do you feel that the higher education community represented now by the presidents of the institutions and so on, has provided the leadership on the moral and legal issues that are involved here that we would hope for?

MR. KEPPEL. Let me first partially disqualify myself as a witness, sir. I live in New York and I do not follow the Boston press.

CHAIRMAN FLEMMING. Yes, I recognize that.

MR. KEPPEL. And therefore, what I know about this is somewhat more historical than with the feel of my fingers.

CHAIRMAN FLEMMING. Right.

MR. KEPPEL. I have the impression that the university leaders and the cardinal, archbishop, and others did give moral leadership, but I think it was very difficult to figure out where to apply the pressure. What I think the judge's order does is to give a chance to put it in a place where it can help.

CHAIRMAN FLEMMING. Okay. Thank you very, very much.

MR. KEPPEL. Thank you very much.

MR. STOCKS. Could we just for the record get Mr. Keppel to indicate his background as an educational expert so that we have that? We overlooked it.

CHAIRMAN FLEMMING. I think we can tell you how to get that into the record.

MR. KEPPEL. Thank you, Mr. Chairman.

CHAIRMAN FLEMMING. Call the next witness, please.

MR. STOCKS. Mr. Benjamin Holman, Mr. Robert Murphy.

[Whereupon, Benjamin Holman and Robert Murphy were sworn by Chairman Flemming.]

CHAIRMAN FLEMMING. Thank you, and we're very happy to have you with us.

TESTIMONY OF BENJAMIN HOLMAN, DIRECTOR, COMMUNITY RELATIONS SERVICE; ROBERT MURPHY, CHIEF, CRIMINAL SECTION, CIVIL RIGHTS DIVISION

MR. STOCKS. Would each of you state your name, address, and position that you occupy for the record? Mr. Holman?

MR. HOLMAN. My name is Ben Holman. I am Director of the Community Relations Service for the United States Department of Justice. My office is in Washington, D.C., at 550 11th Street.

MR. MURPHY. My name is Robert Murphy. I am Chief of the Criminal Section of the Civil Rights Division of the Department of Justice. My office is in Washington, D.C., at the same address as Mr. Holman's.

Mr. Stocks. Mr. Murphy, I understand you have an opening statement you would like to make.

Mr. Murphy. Yes, I do. Thank you.

Chairman Flemming, ladies and gentlemen of the Commission, Assistant Attorney General Pottinger extends his apologies for being unable to be with you today.

I appreciate this opportunity to testify about the work that was done during the past year here in Boston by the Civil Rights Division in cooperation with the United State's Attorney's Office, Federal Bureau of Investigation, and the Community Relations Service, all of which, as you know, are components of the Department of Justice.

The Criminal Section of the Civil Rights Division is responsible for the enforcement of all Federal criminal civil rights statutes. The most applicable of those statutes to the school desegregation process are Sections 241, 245, and 1509 of Title 18 of the United States Code.

Section 241 prohibits certain conspiracies which interfere with or intimidate citizens who are exercising their rights under the constitutional law of the United States.

Section 245 protects citizens who in their exercise of various specific federally-protected activities. For example, in this context, it would prohibit the forceful intimidation or interference with persons who wish to attend public schools in Boston without regard to race.

Section 1509, as you know, prohibits the willful interference with persons who are exercising their rights or duties under a Federal court order.

During the fall semester of 1974 and continuing to the present time, the criminal section has sought to enforce these and other statutes in the Boston school situation.

We had a deputy chief of the Criminal Section in Boston on the opening days of schools to assess the situation. When the situation deteriorated in October, six attorneys were assigned to Boston full time to work exclusively on alleged violations arising from a school desegregation process.

The attorneys remained in Boston virtually throughout the first half of the school year. After that time, they were assigned and rotated according to particular case requirements that they were carrying.

Even then and after that, almost to the end of the school year, we were receiving in the Civil Rights Division daily situation reports from the Federal Bureau of Investigation, which were memorialized and forwarded through the Division to the Deputy Attorney General.

Our records indicate that approximately 300 attorney work days were spent in Boston during the past school year by attorneys from the Civil Rights Division. Many more work days, of course, were spent on the situation in Washington.

The initial task our attorneys had up here was to direct the investigation of alleged criminal violations. Information concerning these violations were obtained from the FBI, from the Boston Police Department, and from citizens.

From October through May of 1975, the FBI initiated approximately 430 investigations into alleged criminal civil rights violations which grew out of the school desegregation process. The FBI assigned about 65 special agents from Maine, New Hampshire, Rhode Island, and Massachusetts to conduct these investigations.

Our attorneys had to decide which of those cases had prosecutive merit. Each investigation was reviewed by an attorney of the Civil Rights Division and by a special agent of the FBI to assess its prosecutive merit. Naturally, many investigations were terminated for lack of merit. Unfortunately, many incidents had to be closed. Many rock-throwing incidents had to be closed because suspects and subjects could not be identified.

We initiated prosecutions against 11 defendants, black and white, and adult and juvenile. Five of those defendants have been found guilty, three are still awaiting trial, and one was acquitted by the court. Two are dismissed on motion of the government.

The foregoing is a brief overview of some of the efforts the Department expended in Boston during the past year.

We are presently engaged in planning for Phase II. Our plans are not finalized. For that reason and because I believe it is unwise to discuss law enforcement plans in the abstract, I am not prepared to answer questions about what the Civil Rights Division is going to do in Phase II. I understand that is agreeable to the Commission.

Suffice to say that it is our determination to do whatever is necessary to see court orders are not interfered with and are not obstructed, and I am happy to answer whatever questions you might have about what we did in Phase I. Thank you.

MR. STOCKS. Mr. Holman, do you have an opening statement, I understand?

MR. HOLMAN. I do have a statement. It is quite long. I will read it if you wish. I can have it inserted in the record.

MR. STOCKS. I think we will have it inserted in the record.

I would like to ask you a few questions. Could you describe the role that Community Relations Services played in Boston—

CHAIRMAN FLEMMING. Do you want it inserted in the record at this point, the full statement?

MR. STOCKS. Yes.

CHAIRMAN FLEMMING. Without objection, then, that will be done. And we do have copies of your full statement. It was provided us this morning. So go ahead.

MR. STOCKS. Would you briefly describe the role of the CRS in Boston during the school desegregation process?

MR. HOLMAN. CRS has had a dual role here in Boston. One is our traditional role which we performed over the 10 years of our existence of offering our assistance to this community as we have others, helping them to deal with the problems of racial and interracial tensions growing out of the efforts to desegregate the schools here in Boston.

This has taken the form of a variety of activities ranging from helping to set up rumor control centers; helping to work with the local law enforcement authorities on measures to provide adequate security for youngsters in the schools; working with local authorities on plans for transportation on the buses to and from the schools; working in the private sector to help develop support for peaceful desegregation of the schools, and so forth.

Our second general area of involvement, which is a little bit unusual for Community Relations Service, comes under an order of Judge Garrity. In layman's terms, the order requested the Community Relations Service to serve as the eyes and ears, so to speak, or the official monitors of the implementation of Judge Garrity's order. In this role, somewhat less passive, we sought to ascertain problems that were developing in the process of the implementation of the order, and to apprise the judge of those difficulties as we saw them, so that he could make a decision as to what measures he ought to take in order to deal with them.

They, very briefly, have been the two roles that we have played, and we continue to play today.

MR. STOCKS. Mr. Murphy, I might ask you a question: Why was the involvement of the Justice Department in Boston first, initially triggered? And second: Why was there no greater involvement in the process of desegregation?

MR. MURPHY. It was initially triggered by an incident in South Boston, that is, the sending of a task force, if you will, of attorneys to Boston when a Haitian was assaulted and beaten by members of a mob. We eventually prosecuted and convicted an individual for that assault.

The second part of your question, if you have specific things you would like to ask, why didn't we do, perhaps I could respond to that.

MR. STOCKS. Well, let's first go back to the process. What is the process that the Department uses to determine whether or not they will send the staff into a situation such as Boston?

MR. MURPHY. We try to find out whether or not there is a likelihood of violence. We rely on reports from the community, whatever reports can be given to us by the Federal Bureau of Investigation, by the United States Attorney's Office, by Community Relations Service, however we can get it.

In this situation you had a Federal court order and we were concerned with whether or not it was going to be interfered with or obstructed.

The first few days of school there was a large number of children who did not go to school, but there was not a great degree of violence attendant to the opening of schools. So we did not keep lawyers here then.

The United States Attorney's Office, as you know, is part of the department and they were here.

When the violence broke out, the decision was made that we needed to be on the scene. We had a sitting grand jury that we could present witnesses to. A decision was made to ask for an increase of FBI agents to conduct the investigations. That happened.

MR. STOCKS. I understand—we have heard from a number of witnesses, that there was a request for Federal marshals.

Can you tell us whose decision it is in the Justice Department to deploy Federal marshals to a local situation?

MR. MURPHY. It would be the Attorney General's decision.

MR. STOCKS. Can you tell us why the Justice Department argued against the use of marshals in Boston?

MR. MURPHY. Well, as I recall, Deputy Assistant Attorney General K. William O'Connor of the Civil Rights Division, made a statement in court on that point. And that was the Department's position that he was explaining at that time.

My recollection of what he said may be somewhat at variance, and I would rather stand on what he said. But my recollection is that customarily the Department views law enforcement as a local matter. And only when it appears that local people are unable to keep the peace is it decided that a Federal presence might be necessary.

I think all law enforcement people would agree that the lower level at which you can maintain the peace, the better. Because you have to ask yourself, if you bring in unusual peacekeepers, what is going to happen when they leave? That is a question that you have to face.

So it was not an unusual thing for the Department to do or not to do. It was standard.

MR. STOCKS. The circumstances then in—

COMMISSIONER HORN. Excuse me, Counsel, can we get Mr. O'Connor's statement in the record at this point, since it has been submitted to the court.

I think the Commission would appreciate having a full text.

MR. STOCKS. Yes.

CHAIRMAN FLEMMING. Without objection, it will be done.

MR. STOCKS. Under your recollection of that statement, then the circumstances under which Federal marshals would be brought in would be only when local law enforcement has completely broken down?

MR. MURPHY. No. You have to understand that Federal marshals cannot be a substitute for a local police department. Marshals, in and of themselves, their principal duty is not to be police officers. Their principal duty is to service the Federal court system.

They maintain order in courtrooms, they serve process, they transport prisoners. They are assigned specific tasks related to the court system.

If they are committed to a policekeeping mission, the Federal court system is going to suffer, particularly if they are committed on any kind of extended basis.

There is a special group—I think it is called Special Operating Force—of marshals, which numbers only about 100, who have—parts of them from time to time have been sent to keep the peace. The marshals simply cannot be viewed as a substitute at all for local law enforcement. There aren't enough of them.

Mr. Stocks. Thank you.

Mr. Holman, how many people from your staff were working in the Boston situation during school desegregation?

Mr. Holman. The number varied from week to week. At its peak, the total was 12.

We have an office in Boston, which numbers a total of four persons. And over the year we have relied on them primarily to focus on the Boston situation. And I might say that it has taken almost the total staff.

In addition, from time to time, we have brought in additional personnel, so that over the past year it has ranged from 4 to 12.

Mr. Stocks. Thank you.

I have no further questions.

Chairman Flemming. I think, Commissioner Saltzman?

Commissioner Saltzman. Mr. Murphy, the State attorney general, a little earlier in the day, testified that he had the feeling that not until actually someone had been critically injured, would it be possible for the State or the city to secure the assistance of Federal intervention.

Is that an accurate picture?

Mr. Murphy. No, sir, I don't think so.

I have been in contact with a member of the attorney general's staff, and we expect, during the course of this summer, to be in frequent contact with each other.

It is the intention of the Department of Justice, to participate in discussions with local law enforcement—local and State law enforcement people—to be of whatever assistance we can in coordinating their efforts; in making sure that there is no misunderstanding about what the Federal government will or won't do, come the fall.

I can assure you, sir, that we are already meeting, trying to work out our position, and we are, in fact, speaking with State people.

Our cooperation with the city police last year, I think was excellent.

Commissioner Saltzman. Well, the State attorney general today, and the mayor today, and in past and prior statements, there has been an indication on their part that there is a confusion existing about their ability to call upon the Federal services.

Mr. Murphy. If there is now, there will not be, come September.

Commissioner Saltzman. Thank you.

Chairman Flemming. Commissioner Freeman? Commissioner Horn?

Commissioner Horn. I just want to pursue the latter answer.

If we assume that the principal affected parties in a situation such as Boston, the mayor's office, the superintendent of schools, the Boston police, the U. S. Attorney, the Department of Justice, the

Community Relations Service, FBI, Federal marshals, State police and National Guard, most of whom were involved potentially or actually in Phase I in terms of discussion, am I to take it that the process of coordination between all of the parties I have named, will occur sometime before this fall and school begins?

Mr. Murphy. We intend to do everything we can to see that that happens.

Commissioner Horn. If the Federal marshals cannot be used, as your previous answer seems to indicate, am I correct that the only escalatory step, should there be a breakdown in the local law enforcement, is first the State police, and then possibly the National Guard, as invoked by the Governor, or Federal troops as invoked by the President?

Are there others?

Mr. Murphy. I don't think so, sir.

The Federal troops, as I understand the law, could not be used until there was an inability on the part of the State to maintain the peace, including the use of National Guard.

Commissioner Horn. And would the Governor have to request the President, or could the President on his own initiative do it? He could federalize the National Guard, conceivably, as he did in Little Rock in 1958.

Mr. Murphy. I was in Detroit during the riots, and we had to do some legal research for the use of Army troops in that situation. And the conclusion at that time, and I know of nothing to change it since, is that the Governor has to request the use of the Army.

Commissioner Horn. Was that true in the South?

I don't believe Governor Faubus requested the use of the Army. So I guess there is an intermediate step where you can federalize the National Guard, which is available to the Governor.

Mr. Murphy. To the President?

Commissioner Horn. Can the President do this on his own initiative, without the Governor requesting it?

Mr. Murphy. Well the Governor could not federalize the National Guard.

Commissioner Horn. Right. But the Governor can call out the National Guard.

Mr. Murphy. Yes, sir.

Commissioner Horn. But once they are called out, the President can federalize them, can't he? Based on the 1958 Little Rock experience?

Mr. Murphy. I think the sequence that we followed in Detroit and presumably—and only presumably—would be followed in any future situation, is that there was—I seem to recall, there was almost a simultaneous federalizing of the National Guard and commission of Federal troops.

Commissioner Horn. The only reason I ask this is, looking at all the options, and not simply looking at Massachusetts, but as a problem that might occur around the Nation, is the federalization of the National Guard or the calling out of the Regular Army to assure law and order, should local and State processes break down, dependent on the chief executive of the State making the request?

I am worried about a recalcitrant Governor who really doesn't care if local law enforcement breaks down. I don't think that is the situation in Massachusetts, but I am trying to, for the sake of the Commission, get the options in the record.

Mr. Murphy. I am not—I would be happy if the Commission was to furnish a memorandum on that point.

Commissioner Horn. I would like, Mr. Chairman, an opinion on that question for the record.

Commissioner Rankin. In general, if Federal activities are interfered with, the President can, in the State.

Commissioner Horn. Well, Cleveland certainly took care of delivering the mail.

Chairman Flemming. I understand that Mr. Murphy is going to develop a memorandum for us on this.

Mr. Murphy. Yes, sir.

Chairman Flemming. And, without objection, we will then include that in the record at this particular point.

Chairman Flemming. Do you have any questions?

Commissioner Rankin?

Mr. Murphy. Could I speak to one point that I believe Commissioner Horn raised? He interpreted my remarks, I think—his words were, "The marshals would not be used.'

I don't want to sit here and predict anything. I am not saying that marshals would not be used. What I am saying is that even if they are used, they simply are inadequate as a peacekeeping force. There are too few of them, and they should not be looked upon as salvation for anybody at all.

That was the point I was trying to make.

Chairman Flemming. Right.

Commissioner Rankin?

Commissioner Rankin. But they can be used?

Mr. Murphy. Yes.

Commissioner Rankin. If it is not too big a disturbance, they might be effective, isn't that correct?

Mr. Murphy. Conceivably, but I would have to say if it wasn't too big a disturbance, they probably wouldn't be needed.

Commissioner Rankin. I don't know.

Sometimes intensity can be intense, though small.

Mr. Murphy. Yes, sir.

Commissioner Rankin. Well first I want to ask Mr. Holman a question.

I notice in your report you said, "In the 11 years we have been in existence we have assisted in numerous school desegregation efforts throughout the country. During the 1970–71 school year.."

And then you go on.

Have you been as unsuccessful elsewhere as you have here in Boston?

Mr. Holman. I really don't think that we have been unsuccessful in Boston.

Commissioner Rankin. Did you hear the testimony we have heard today?

Mr. Holman. Yes, I have.

But I can assure you that had it not been for the efforts of the Community Relations Service, there would have been a much drearier picture that you would be viewing today in Boston.

Chairman Flemming. If you and I could dialogue just a moment, I was about to put as the last question from the Commission to Mr. Holman, a question which would be designed to elicit from him whether he feels, as he looks back over the past year, that some progress, identifiable progress, has been made in what I might call the process of mediation or the process of reconciliation?

Your question assumes no progress. And I was going to ask him if there had been progress.

Commissioner Rankin. I am just going by the attitudes of a lot of people we have had here in the government.

It seems—I went through it down south, and it seems to me there is a stronger feeling here.

Mr. Holman. I think the feeling in Boston is quite strong. But I think you should keep in mind that in spite of all publicity, in spite of all the statements that have been made by Boston, that schools did operate this year; they were not closed down; the law was enforced, and I think that is important to look at in the overall perspective of the picture.

I think it would be erroneous to make a judgment that because certain statements were made here which seemed to give an image of utter futility, that law was maintained in Boston, and I am certain that with certain measures being taken by the State and local authorities, and by local citizens, law will be maintained in Boston next September.

Commissioner Rankin. All right.

Let me say you did do a good job. Is there any way you can do a better job?

Mr. Holman. Yes.

Commissioner Rankin. Is it more men you need, more money, or what?

Men and women, again.

Mr. Holman. Yes, we do have a lot of women in our agency.

With more staff and a little bit more time, I think we could do a more effective job, I think that if we had gotten involved as heavily in the Boston situation earlier than we did, we could have had a greater impact.

Commissioner Rankin. But you can get involved with Phase II, though, can't you?

Mr. Holman. We are very much involved with Phase II.

Commissioner Rankin. You are very much involved?

Mr. Holman. Yes, sir, we are.

Commissioner Rankin. And so is the Department of Justice?

Mr. Murphy. Yes, sir.

Commissioner Rankin. I mean your division.

Mr. Murphy. Yes, sir.

Commissioner Rankin. I think that is it.

Chairman Flemming. John Buggs had a question.

Mr. Buggs. I suppose I remember better than most of you people the beginnings of the Community Relations Service, because when I served as the director of the human relations commission for Los Angeles County, the Community Relations Service were the first people on the scene when the riot broke out there in August of 1965.

And I have had a great deal of admiration and respect for what was done, particularly after that riot, by the Community Relations Service, in attempting to provide for the people of Los Angeles a platform upon which mediation and conciliation could take place.

I would like to ask Mr. Holman how many representatives, field representatives, do you now have throughout the country?

Mr. Holman. I have exactly 78 right now.

Mr. Buggs. Divided among how many different places?

Mr. Holman. Ten regions covering all 50 States of the United States, plus our territories overseas.

Mr. Buggs. How many states were your four men in Boston expected to be concerned about and working in?

Mr. Holman. They were to be concerned—they have spent very little time outside of Boston—but they were to be concerned with such problems, including others and school problems, in all the New England States. That is, Massachusetts, New England, Vermont, Rhode Island, and Connecticut.

Mr. Buggs. Didn't you at one time have a much larger staff than that?

Mr. Holman. Yes.

At one time we had a staff that numbered 341.

Mr. Buggs. What happened?

Mr. Holman. Well, there was a decision, an unfortunate decision, frankly, by the administration, that unfortunately was supported by the Congress, to reduce that staff to the current size.

Mr. Buggs. Do you think that the difficulties over the last 3 years have been any less than they were 3 years prior to this time?

Mr. Holman. I think that the difficulties in the United States are perhaps greater now than they were 3 years ago, because although the cities are not burning, the undercurrents, the tension as I think is rather obvious or you would not be here, continue unabated. And tension between the races and ethnic groups I think are perhaps stronger now than they were in the 1960s.

MR. BUGGS. Well, while granting the fact that—and I think you are right that CRS did assist in a very significant fashion in the problems of Boston, to be the eyes and ears of a Federal court in a rather large city such as this is, there are many elements that had to be looked at in schools and school districts, do you think that CRS might have done a better job if you had more than 12 people?

MR. HOLMAN. I think we could have.

But it is—I think really to answer your question fully, the only reason we were able to be effective at all, was that those handful of people did an extraordinary job in terms of working extremely long hours and it was an extraordinary strain on the total resources of the agency.

That 12, if you do quick arithmetic, represented a huge proportion of my field staff at one point.

I think that we could have done a better job if we had had more staff.

MR. BUGGS. Suppose we had had four other Bostons at that time?

MR. HOLMAN. Well, as I said in my opening statement, we could not have handled a single other city at the same time.

If I could speak to this, as a matter of fact you may be aware of the fact that we have just been asked by Judge DiMassio to perform a similar mission in Detroit, yet we have a commitment here for Phase II in Boston.

And I really don't know how we are going to be able to do it.

MR. BUGGS. Thank you, Mr. Holman.

CHAIRMAN FLEMMING. I sympathize with a person in the executive branch who is cross-examined on the status of his budget. But I think your questioning has developed a record which makes it clear that additional personnel can and should be made available.

And although we haven't been talking about findings, why, that is one I would be willing to concur in.

Any other questions?

If not, thanks a lot for coming up from Washington and helping us develop the record on this particular hearing.

All right. Counsel will call the next witness.

MR. ALEXANDER. State Representative Doris Bunte, State Representative Richard Finnigan, State Representative Raymond L. Flynn, State Representative Mel King.

[Whereupon, Doris Bunte, Richard Finnigan, David J. Swartz, and Mel King were sworn by Chairman Flemming.]

TESTIMONY OF STATE REPRESENTATIVES DORIS BUNTE, CHAIRPERSON, MASSACHUSETTS BLACK CAUCUS; RICHARD F. FINNIGAN, SOUTH BOSTON; MELVIN H. KING, ROXBURY; ACCOMPANIED BY DAVID J. SWARTZ, COUNSEL FOR MR. FINNIGAN

MR. ALEXANDER. Would each of you, starting with Ms. Bunte, please identify yourself for the record.

Ms. BUNTE. My name is Doris Bunte. I live in Boston. I am the State representative of the 9th Suffolk District of Boston.

MR. KING. My name is Mel King. I live at 4 Yarmouth Street in the city of Boston, and I represent the 4th Suffolk District.

MR. SWARTZ. I am attorney David J. Swartz of Haverhill. I appear here as counsel for Representative Finnigan, to my right.

MR. FINNIGAN. I am Richard Finnigan, 1[illegible]th Suffolk District in Boston.

MR. ALEXANDER. Is Raymond L. Flynn in the room?

Is Raymond L. Flynn in the room?

Raymond L. Flynn.

Mr. Chairman, I request that the United States marshal be instructed to call Mr. Flynn in the corridors around this room, and report back to the chair.

CHAIRMAN FLEMMING. Okay.

We will interrupt the proceedings when the marshal returns. Meanwhile, Mr. Stocks will begin questioning with Mrs. Bunte.

MR. STOCKS. Mrs. Bunte, would you characterize the reactions of your constituents in your legislative district, to the court order and to Phase I?

Ms. BUNTE. The reaction of my constituents were simply that they were pleased that the court had found, as it did, as it was their feeling that they had the right to go to schools outside of that particular portion of the city of Boston.

MR. STOCKS. Representative Bunte, I understand that you are the chairperson of the Massachusetts Black Caucus.

CHAIRMAN FLEMMING. Pardon me. Just a minute.

The marshal reports that Mr. Flynn is not in the building.

MR. ALEXANDER. Mr. Chairman, will you refer this matter to the U.S. Attorney?

CHAIRMAN FLEMMING. Are you requesting a referral to the U.S. Attorney?

That will be done.

MR. ALEXANDER. Thank you.

MR. STOCKS. Ms. Bunte, will you—

CHAIRMAN FLEMMING. Just to make sure the record is straight, do the members of the Commission concur in referring it to the U.S. Attorney?

COMMISSIONER FREEMAN. I do.

COMMISSIONER HORN. I do.

COMMISSIONER RANKIN. I do.

COMMISSIONER SALTZMAN. I do.

Chairman Flemming. Okay. It will be done.

Thank you.

Mr. Stocks. Would you describe your organization called the Massachusetts Black Caucus, and what its objectives and who its members are?

Ms. Bunte. Yes.

The Massachusetts Black Caucus is the—are the legislative blacks that were elected to the legislature.

We began 2 years ago and the concept of the Massachusetts Black Caucus was an effort to pool our resources and to then be better able to service blacks, minorities and poor people throughout the Commonwealth.

Mr. Stocks. How many members are there?

Ms. Bunte. There are currently seven members of the Massachusetts Black Caucus; one black senator, and this is the first year that we have had occasion to be able to have a senator to represent us, and six members of the house.

Mr. Stocks. What do you perceive, as a legislator, to be the responsibility of the State legislature in the school desegregation process in Boston.

Ms. Bunte. In terms of the legislative process, I think that it is very clear that the legislature, in my opinion, at least, ought to be filing and ought to be passing into law, bills that would facilitate the desegregation of schools throughout the Commonwealth.

That is not what normally happens, however.

Mr. Stocks. Mr. King, would you characterize the reaction of your constituency to the court order and Phase I?

Mr. King. Well, the people in the district that I represent, for your information, I think that the district is probably the most diverse district in the Commonwealth, in that it includes a variety of racial, ethnic, cultural groups. It includes some of the luxury housing, it includes public housing, it includes people who are black, Puerto Rican, people who are Cuban, people who are Chinese, white, and elderly.

Therefore, the reaction to the Phase I and to things that have been going on, has been varied based on the different groups.

Some of the Puerto Rican families concerned about what it has meant to the bilingual, bicultural programs; the black family who had been attending schools in some instances, in Brighton, not having any initial concerns because of the fact that there have been that history for them.

On the other hand, as they got into a situation in the schools, began to see that they had to deal with the issues of the suspensions and the disciplinary problems that were cropping up in the schools. And I think many of them were saying that they didn't see that the things that were going on were much different than in the years prior to Phase I, but that the response and the reaction of the people in the school system, the teachers, the principals, vice principals, was vastly different than in the past.

On the whole, I would say that there was kind of positive resignation to the—to Phase I, and people went about the business of trying to respond to it from a positive standpoint.

Mr. Stocks. Thank you.

Mr. Finnigan, you are also—your district is also in Boston?

Mr. Finnigan. Yes, it is.

Mr. Stocks. Could you characterize the reaction of your constituency to Phase I of school desegregation?

Mr. Finnigan. I would say to Phase I in my district, I found little, almost total opposition to Phase I.

Mr. Stocks. All right.

All of you may answer this question.

There have been a number of pieces of legislation introduced in the Massachusetts State Legislature to repeal the racial imbalance law and to prohibit busing.

What is your understanding, as members of the legislature, of the effect of these proposals on the Federal court order that Judge Garrity has issued?

Mr. King. Well, just to begin, I think that every time that the legislature addresses itself to the issue of racial imbalance, and the kind of publicity that comes out as a result of it, the young people in the schools, invariably feel the brunt of that—of the fallout from those discussions.

Whenever there are demonstrations in the city, the next day, especially when there are a series of things that take place on the weekend, the young people feel the fallout from those demonstrations in the schools.

What the—as far as I can see, the net impact of the discussions that take place in the legislature around the racial imbalance law, is to feed the people who are opposed to the desegregation of the schools with additional support which says that, "Here it is, the people responsible for making the laws of the Commonwealth, are opposed to the desegregation of the schools," and therefore it gives people the kind of feeling that they can continue to act in opposition to the—to Phase I, or to the effort to desegregate the schools.

Mr. Stocks. Ms. Bunte?

Ms. Bunte. Yes, I would simply say, I don't know what effect it might have on the court. There certainly has been adequate time for it to have an effect on the courts, because the bill was passed into law, the racial imbalance law 10 years ago, and there has been an effort every year thereafter to revoke it.

But I don't know the extent that that really affected the courts, or their subsequent orders. But I would also add that it has certainly led to the frustration and to the feeling on the part of the youngsters in the schools, every time a bill passed the legislature, each year, that said we would repeal the racial imbalance law, it was like saying to the youngsters, you have a license—or those people who would not have you in these schools have a license to see to it that you don't come. It certainly added to the feeling of demoralization on the part of the youth.

Mr. Stocks. Mr. Finnigan?

Mr. Finnigan. I would have to say that in my opinion it wouldn't have any legal bearing. I don't believe that it has, on Judge Garrity's decision.

However, I certainly think that the legislature acting on repeal of the racial imbalance law 2 years ago, certainly gave the people some moral buoyance, and I would hope that some of the Federal judges might, in the future, look upon that, as the Massachusetts Legislature voting to repeal the Racial Imbalance Act might take a second look at what is happening in the area, specifically forced busing.

Mr. Stocks. Mr. Finnigan, in February 14th of 1975, you introduced house bill 2684 to repeal the racial imbalance law. At that point, Judge Garrity had already ruled that the schools of Boston were to be desegregated.

What did you intend to accomplish by introducing that bill at that time?

Mr. Finnigan. I had filed the bill strictly to repeal the Racial Imbalance Act. There were, I think, probably 25 bills filed to repeal the Racial Imbalance Act.

Mr. Stocks. If that bill had passed the legislature, what impact would it have had on the desegregation as ordered by the Federal courts?

Mr. Finnigan. I have no idea.

Mr. Stocks. You have no idea?

Mr. Finnigan. Again, I would say that the legislature in repealing the Racial Imbalance Act, I would hope that the Federal courts might take a second look at what is happening in the area of forced busing.

Mr. Stocks. Are you familiar with the separation of the three components of our governmental system? That is—

Mr. Finnigan. I certainly am, yes.

Mr. Stocks. Do you realize that—

Mr. Finnigan. May I continue?

Mr. Stocks. Yes.

Mr. Finnigan. If a State legislature votes to repeal a law, although it has no direct bearing on the court, I would hope again, that the court would look, you know, and maybe stand back and say, "well, gee, maybe we are making a mistake here."

I don't say that they would, but certainly they may.

Mr. Stocks. Do you think by introducing such legislation it—

Chairman Flemming. Counsel, I think the witness has been responsive to the question.

Mr. Stocks. All right.

I would like to ask all three members of the State legislature, what do you believe to be the obligation of the State legislator, to inform his constituents of the State and the United States?

Do you feel that as legislators, you have any obligation to inform your constituents of the law?

Ms. Bunte. Well, why don't I begin by saying, I certainly recognize my responsibility to make my constituents aware to the extent that I can, of what the law is both in terms of the State and at the Federal level.

And I think that when we were sworn into office, we certainly indicated at that time that we would uphold it. And in my opinion, a part of upholding is to see to it that anyone who might not be clear, that you can assist in understanding what it is, you would do that.

Mr. Stocks. Mr. King?

Mr. King. Yes, that is interesting that it gets posed in this manner, because you think about the kind of role that you play when you are in this position. And at one level we have to deal with the issues of the legislation, and another level, and in particular in the black community you have to deal with issues of leadership and information and the kind of direction that you get both as a molder and a follower of opinion.

We attempted to, and we got on TV with another member of the legislature, Senator Timelby, in an attempt to get people to deal constructively with the issues around Phase I.

And it is very interesting the kind of response or reaction that you get from that. On the one hand people would say that, "I'm glad to see and hear people who are speaking out and who are trying to get people in the city of Boston to respond positively, if not creatively, to the situation of the attempt at desegregating the schools."

But it is very interesting that in the black community, I got questioned about why it was that I would even be raising the question with black folks about behaving positively when I knew full well that black people were, and that the negative response was going to come from the white community.

And so you have to take that aspect of it.

And it turns out that a good deal of what comes down in this in terms of a negative approach to the situation comes from the white community.

So you see as your role, as a legitimate role that one ought to be playing, in order to interpret the law, in order to be getting people to move positively with that, but given the facts of life in this particular situation, black people's response to some of those ads was, "Listen, that is laws that were developed by white people. They know what those laws are, and the State ought to make them obey the law," and that there was really no reason for people to get out and to get on TV asking people to respond to it.

Mr. Stocks. All right.

Mr. Chairman, I have no further questions.

Chairman Flemming. All right.

Commissioner Freeman, do you have any questions?

Commissioner Freeman. Yes.

In your position as legislators, I believe that you have occasion to hold hearings on—with respect to the moneys that are appropriated by the legislature, and you hold hearings into the manner in which the law is being enforced, or especially the manner in which a particular department of government is actually carrying out its responsibilities.

Have you had occasion to hold any hearings with respect to the State aid and to the pupil attendance in the light of the boycott?

And that is—the question is to any of you or all of you.

Mr. Finnigan. Commissioner, as far as money matters are concerned, all of us are, as members of the legislature, vote on the State budget. And that amount of money which is provided for—you know, all State funding, as far as holding hearings, Representative King and myself, are members of the joint committee on education.

Representative Bunte was a member of the committee on urban affairs.

To that extent, as in the last 2 years we were freshmen legislators, we, of ourselves did not hold hearings. We were members of the committee on education. And as members of that committee, we did sit in judgment over pending legislation.

I don't know if that answers your question, but—

Commissioner Freeman. As you sat and listened, my question was, the extent to which you inquired as to the compliance with the law, since you would have to make recommendations for remedial legislation or such recommendations in your duties to recommend legislation, did you make any recommendations or inquiries? Either of you?

Mr. King. Let me take a whack at that. We have made some efforts, to talk about it from the standpoint of the caucus, to raise some questions about the budgetary allocations and to try and get into various legislation, some affirmative components.

For example, in one piece try to get something in which would increase the number of blacks who would be teaching in the city of Boston—not only the city of Boston, but in other parts of the State as well.

And we got that out of the education committee, but that got done in in the house ways and means. We tried to bring it up again on the floor of the house, and of course that got defeated in the house. The idea being to get in recognition of the fact that the numbers of black young people in the schools in Boston was approaching 35 percent, to try and increase the number of blacks who were on the faculty in the schools, the number of people who were counselors.

And as it turns out, one of the orders that the judge made for the city of Boston, was that they do hire, or increase the number of blacks that they were hiring.

What we were attempting to do with our legislation was to get the State to contribute to the cost of adding the teachers to the city of Boston school system.

Ms. Bunte. I would only add to that that we filed a number of pieces of legislation that would deal with the fact that it was not working. And of course we didn't—we held some hearings in our own communities around the impact of the educational procedures and the way they were going. But we didn't really need to hold hearings to know that it wasn't being appropriately done, even though we knew in filing legislation that there was little likelihood that any amendment that we might offer would pass.

Commissioner Freeman. Thank you.

Chairman Flemming. Commissioner Rankin?

Commissioner Rankin. Mr. Finnigan, I have a question that is not directly concerned with the Civil Rights Commission, but does the constitution of the Commonwealth forbid you to pass special legislation? Does it have to be general legislation, or can you pass special legislation?

Mr. Finnigan. No, we have to pass general legislation, Commissioner.

Commissioner Rankin. And you never pass any legislation, just for Boston?

Mr. Finnigan. No, we can't do that.

Commissioner Rankin. Do you like that provision?

Mr. Finnigan. Do I like it?

Commissioner Rankin. Yes.

You are from Boston, and I wondered how you—

Mr. Finnigan. Yes, we have home rule petition here, which is covered by that.

Commissioner Rankin. But you can pass general law?

Mr. Finnigan. Yes, but we are prohibited from filing special legislation.

Commissioner Rankin. Can the legislature get around that or does it live up to it pretty well?

Mr. Finnigan. I think sometimes they get around it.

Commissioner Rankin. I know several dodges that can be followed to get around it. Most legislators know them.

But it is a pretty good rule, don't you think? The rule against special legislation?

Mr. Finnigan. I certainly do.

Commissioner Rankin. I do, too.

Chairman Flemming. Commissioner Horn?

Mr. Finnigan. Might I respond to Commissioner Freeman's question, if I might?

Chairman Flemming. Surely.

Mr. Finnigan. Going one step beyond, Commissioner, I, too, was called to many neighborhood meetings regarding Phase I of the racial imbalance—the judge's decision to carry out then the State plan. And in, as I might repeat myself, I found total opposition to the Phase I implementation throughout my entire district.

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Ms. **Bunte**. Mr. Chairman, might I respond to Mr. Rankin's question to the representative.

Chairman Flemming. Yes.

Ms. **Bunte**. Thank you.

I wanted to make mention of the home rule petition, and that is what we were talking about.

We can file a piece of special legislation if we have received local approval. That causes a tremendous amount of difficulty. And I thought, if I could, I would like to just share that with you.

For instance, in the city of Boston, we have a school committee that is elected at large. Because it is elected at large, our community, obviously, because of its numbers, can never get a member on there to represent us fairly.

The result is, we can't file a petition to change that so that persons are elected from districts, because that local—a local body has to approve it.

Commissioner Rankin. Thank you.

Chairman Flemming. Commissioner Horn.

Commissioner Horn. If I could just follow up on Commissioner Rankin's question, Mr. Finnigan, is there any category of classes of cities for which you pass general legislation, in which Boston is the only city in a particular category?

For example, in California we have classes 1 through 6 of cities. But one city might find itself in a particular class of cities.

Mr. **Finnigan**. I would answer very quickly, no.

But, there are many, many statutes which are on the books and do get put on the books of the Commonwealth, which exempt Boston.

Commissioner Horn. Because of its home rule nature?

Mr. **Finnigan**. No, specifically I don't think you could, you know, put your finger on the reason why. For instance, if I might just give you one specific, I remember a year ago, a bill was filed which would allow halfway houses in the cities or towns, in the wards; no more than two in any ward except Boston.

So Boston could have 15 or 20 in a ward.

Commissioner Horn. I see.

I would just like to thank you all, personally, on my behalf for coming here. If I might just make this statement.

I want to make clear my own feelings on legislative representatives being here. Since the Constitution guarantees each State a republican form of government, with a small 'r,' some of you might well wonder why you had a subpena.

I think just speaking for myself alone, we have done this with all witnesses before this Commission. We do not, certainly, mean to infringe on any of your own personal values or feelings in the representative process. But we are grateful for—at least I am—for you coming here to share with us a few insights into how the process works.

Most of our questions are probably more properly directed at the next panel of legislators, where we are concerned with the oversight of State moneys and the degree to which particular legislative committees initiated investigations to assure that the State laws, perhaps dealing with the school attendance, were carried out.

Mr. King. Mr. Horn, I think that the question that you pose regarding the city of Boston, and the response that comes from Representative Finnigan is one that I think you need to take a good look at, because in fact, one interesting thing is that Boston is the only city in the Commonwealth, that as far as its schools are concerned, it does not have fiscal autonomy.

Just recently, Boston's Commissioner of Police was appointed by the Governor. And there are a number of boards in the city of Boston that are appointed by the Governor.

I think it is important to understand that the roots of this kind of behavior go way back in terms of conflicts between WASP and Catholic, and control. And if you understand that, and you begin to deal with the elements of bigotry that are in that, and you begin to look at the elements of racism that are in that, then you begin to see the kind of climate under which we come to the situation here in the city of Boston and the Commonwealth today.

That you still have a group of people who are Irish Catholics, who still see themselves as a persecuted minority, ever though they are a majority, that they are in political control, they are in control of every aspect of city government, of jobs, etc. And they still see themselves in that fashion, you still see the conflict between the city and the rest of the State, you have a situation where the racism based on color withstanding that blacks are caught in a piece of the crossfire in this situation.

What I am concerned about, and I think as I have listened to your Commission raise questions with people about the issues of violence coming in Phase II, that you are ignoring the fact that we live in a very violent city right now; that there are things going on in several parts of the city that are classified as white parts of the city—East Boston, parts of Dorchester, West Roxbury, where black families, where Puerto Rican families have been firebombed, stoned.

Last night a situation in East Boston--over the Memorial Day holiday, had to go out to East Boston, and the kind of things that are happening in the city of Boston.

So as I say, we have a very violent climate right now. And for us to sit here and to be raising questions about preventing violence in September is a joke as far as the people in East Boston are concerned, as far as some families I know in West Roxbury are concerned, as far as some families in Dorchester are concerned, as far as some people who want to use the resorts and the beaches and other services of the metropolitan area are concerned, we have a very serious problem here.

There is no positive response that is coming to this from the mayor, from the police in this, and I think that if you are going to talk about where people's civil rights are being threatened or they are being abused, you don't have to wait until September; you don't have to talk about Phase II.

You need to get yourself to talk about what is going on right here in this city.

Now I listened to those marshals talk about—whether it was the marshals or the attorneys, saying that the marshals weren't warranted, when we met with Kennedy in May or sometime before this, we said that there needed to be the presence of marshals.

We have a situation here where people do not want to deal with the reality of the lawlessness that exists here. And until that gets recognized and dealt with in a forthright manner, we don't have to worry about what is going on in September, we are going to have a lot of problems within this city of Boston during this summer. When I say during this summer, we are having them now.

People are not going to continue to sit by and allow those people in East Boston or other parts of the city to be jammed up like they are. And you cannot have the fire department go in where there is an obvious smell of a firebomb and say that the problem is that the man carelessly disposed of a smoking article when you can walk in there and you can smell the gasoline, and that kind of a coverup.

You are going to deal with the situation, with that lawlessness, with that lack of leadership in the white community that exists in the city of Boston, right now. We are not getting it from the mayor's level, we are not getting it from the police, we are not getting it from the legislature, and I don't believe that any discussion that talks about Phase I and what goes on, what went on, which does not deal with the total lawlessness that exists in this city is going to have any value to anybody.

CHAIRMAN FLEMMING. Thank you for underlining that point.

And may I say to the three members of the panel, that Vice Chairman Horn has expressed, I know, the views of all of the members of the Commission when he expressed appreciation for your coming and sharing your points of view with us.

It will now be necessary to proceed to the next panel.

Thank you very much.

[Whereupon, Walter J. Boverini, Michael Daly, and James A. Kelly, Jr. were sworn by Chairman Flemming.]

CHAIRMAN FLEMMING. Thank you. We are very happy to have you with us. We are sorry that we are running behind here, but we have been listening to a good many witnesses today.

Counsel, proceed.

TESTIMONY OF STATE LEGISLATORS WALTER J. BOVERINI, CHAIRMAN, SENATE COMMITTEE ON EDUCATION; MICHAEL DALY, CHAIRMAN, HOUSE COMMITTEE ON EDUCATION; AND JAMES A. KELLY, JR., CHAIRMAN, SENATE COMMITTEE ON WAYS AND MEANS

MR. STOCKS. Would each of you state your name, address, and the position you hold in the General Court of Massachusetts for the record.

MR. BOVERINI. My name is Walter J. Boverini, State senator from the 1st Essex District; chairman of the joint committee on education in the legislature.

MR. KELLY. James A. Kelly, Jr., senator from 4th Worcester-Norfolk District; chairman of the senate ways and means.

MR. DALY. Michael J. Daly, State representative, 27th Suffolk District, city of Boston; house chairman of the joint committee on education.

MR. STOCKS. Thank you.

These questions will be directed to all of you, so each of you may answer as you see fit.

What is your position on the cost of the funds for desegregation of Boston schools? And will the State legislature be able to meet the needs that the schools of Boston may make upon it?

MR. DALY. I would just like to say that I represent a section of the city of Boston. I have filed legislation which is currenty pending before the legislature, which would have the Commonwealth assume the entire cost of desegregation of the Boston school system.

That, to be quite honest and frank, that legislation has not been acted on yet, and it will depend to a great deal on the attitude of the Governor and the executive branch of State government, as to whether or not they are willing to make a commitment to pay for the cost of desegregation in the Boston school system.

MR. KELLY. I don't need to, I believe, refresh the panel of this room with the tremendous fiscal problems that the State finds itself, and I would think that the desegregation costs of the city of Boston are not one of the top priority items considered before the Senate at this time.

MR. BOVERINI. I think it is a geographic question myself, with the 280 members of the legislature, that many members of the legislature would be reluctant to have their own tax funds, with the property tax in Massachusetts—I know, in my own city with the highest property tax in the State—have their State funds go to help the city of Boston.

MR. STOCKS. Are there any resources that you can reasonably project may be available to the city of Boston from the Commonwealth of Massachusetts for school desegregation?

MR. KELLY. Additional over what they have received?

MR. STOCKS. Yes.

MR. KELLY. They are getting, with the latest bond issue that was floated by the legislature and the Governor, about the largest portion of a school building construction fund, which should enable them to probably stabilize their tax rate, even with the increased cost of desegregation of this year.

Mr. Stocks. What do you think the State legislature can do to help avoid a repetition of last year's problems in Boston, and thus avoid costs being imposed upon, or at least being requested from the State?

Mr. Boverini. Well, I can just say that I have been chairman of education for 3 years in the senate, and it is the first time I have been asked for any opinion by anyone in the Commonwealth of Massachusetts.

And like I say, it has led me to question myself and say, what position are we in when the house chairman and myself have conducted most of the hearings on the Racial Imbalance Act, METCO bills, metropolitan plans, and the suburban busing plans, and yet not once to my knowledge, has anyone asked me for my opinion. So I am gratified that for the first time, I have been asked for an opinion.

And I have been talking so much, I forgot the question.

[Laughter.]

Mr. Stocks. What do you think the State legislature can do to assist Boston from having the problems that it had in this past year of desegregation, and thus avoiding having the request of the State to help meet their costs in that process?

Mr. Boverini. Well, to follow it then, what we can do is what has been attempted to be done in the past couple of years. Legislation that is filed by individuals, of course, I am sure you people are familiar with the process of Massachusetts where anyone can file a piece of legislation, which leaves the committee on education with roughly 600 to 700 bills to have public hearings on. And many of the bills deal exactly with this problem.

And you ask, what can the legislature do?

Get enough votes to pass some of this legislation. And it is just a political realistic question.

Mr. Kelly. The practical reality of this question is that each and every member of the 240 members of the house is facing extremely difficult times this year. They are being to—the representatives are being asked to curtail services for all of their communities, and at the same time increase taxes.

I would say, if you add to that any additional financial aid for the city of Boston, even with its special problem, that the likelihood of it passing both branches is remote.

Mr. Stocks. Mr. Daly, do you have any comments?

Mr. Daly. I have to respectfully disagree with my two colleagues. But I don't think that it is absolutely necessary that the State legislature provide some kind of financial aid.

I might say that in terms of Phase I, the legislature, I am sure you are aware, played no significant part in the order. Judge Garrity's order was a plan that had been developed by the State board of education which he decided to implement.

We have been attempting, as I mentioned earlier, to try and get the State to make some kind of a financial commitment to ease the financial impact of the city of Boston in implementing Phase I.

I don't think there is anyone in this room that doubts for a moment that Phase II will be at least, and probably substantially more expensive than Phase I.

It is my personal belief that it is incumbent upon both the Governor of this Commonwealth and the legislature to make some kind of a substantial, at least financial, commitment in terms of paying for the cost of desegregation; to make some kind of an attempt to ease the impact of Phase II in the city in September.

I think that additionally, Representative King, who just sat here a few moments ago, made a very telling point, which may be out of all of our hands—none of us may be able to deal with that, and that is the whole question of unemployment, and the question of the lack of jobs for young people in this city over the summer months. And that is something with which I am very, very seriously concerned, and which bothers me terribly, in terms of trying to build the right kind of an atmosphere over the summer months that would allow for a peaceful implementation of Phase II in September.

And I guess as we sit here at this table, we don't have the answer to that. Maybe your Commission, through some kind of influence, may be able to ease that pain in terms of providing some kind of additional moneys to this city in terms of jobs for young people in this city over the summer, and in addition to that, some consideration of the impact that the high rate of unemployment in this city had to some degree in Phase I, and which some of us are very concerned about the effect that will have on Phase II.

Commissioner Horn. Could I just say at that point, so that you know that the Commission shares your concern, that when this Commission met with President Ford in March, they made that very point about all American cities, and particularly the high level of white and black teenage unemployment.

Mr. Daly. I appreciate that, and I don't think that it is belaboring the point to say that Phase II in this city does not start in September. That the kind of things that go on between now and September, are the kinds of things that may well be crucial to the kind of a peaceful resolution and implementation of the court order this fall.

And anything this Commission can do to help us in that regard, we are most appreciative.

Mr. Stocks. I have just one more question.

Has the state legislature received, or do you have any indication of the cost to the State that was incurred by the State police and the Metropolitan District Commission Police, and the Massachusetts National Guard during Phase I?

Mr. Kelly. Yes. There has been an overtime bill which has been paid in excess of a million dollars.

Mr. Stocks. I have no further questions, Mr. Chairman.

Chairman Flemming. Commissioner Freeman?

Commissioner Freeman. Gentlemen, this question relates to—I mean, it can be answered by all of you.

Earlier, I asked a question as to whether the committees, when you hold your hearings concerning the legislation, have made any inquiries into the effectiveness of that legislation. And particularly am I concerned about the effects of the pupil enrollment law and the extent to which the aid to the committee or to the schools may have been—may not have been based upon an actual enrollment count.

Mr. Boverini. Well, we, as a committee, have sent our staffs to visit the schools, to see the schools, look at legislation that would affect enrollment, the dropping of the required age for attendance, doing away with the compulsory age for attendance at school at a certain age level introduced by one of the representatives that spoke here prior to our appearance.

What inquiries we have made as to what the enrollment has been, is it true figures or just the figures that have been given to us?

The figures that have been given to us are figures that we assume are correct figures as far as school attendance goes.

Mr. Daly. I might just say that it is not, strictly speaking, the prerogative of the legislature to determine who is in school, or who is not in school.

There is a State statute that establishes mandatory school age attendance laws. But—

Commissioner Freeman. I understood that. But what I am talking about, however, is where the funds of the State are going to be made available to a school, and to the extent that those funds—that there are certain funds that are based upon enrollment, if the figure that is given is not a correct figure, then funds—there may be the possibility that funds may be improperly disbursed to that particular subdivision.

Mr. Daly. Right. I was just going to address myself to that by saying initially that that is not the prerogative of the State legislature. However, our school reimbursements formula in Massachusetts is based on school-attending children. A census is taken in school systems on or before October 1 of each school year, and is submitted to the department of education.

It, at that point, becomes the responsibility of the department of education to ascertain the number of children attending school in the school system, so that they can base the reimbursement to that system on the basis of the number of school-age, school-attending children.

So rather than—that really is not properly our prerogative, nor do we give it very, very much consideration. That is the prerogative and responsibility of the department of education.

Commissioner Freeman. Is it your prerogative to inquire into the extent to which the department of education actually administers its funds in a proper way?

Mr. Daly. It is a proper area for inquiry, but I am not sure that it carries any substantial amount of clout.

Commissioner Freeman. Is there any other member of the panel that would like to—

Mr. Boverini. No, I would just have to concur with what the representative said, that we do inquire of certain things. But as far as our prerogative in making it compulsory that they adhere to any of our wishes, I think that is beyond the scope of the State legislature as I see it.

Mr. Kelly. I would probably respectfully disagree with my two colleagues.

I see it as part of our prerogative, but we have similar problems in that we do not have the staff to investigate State agencies to the extent that we would like to.

I do have one staff member that has been involved in all of education, public higher education and education as a whole, and has been concerned with some of the issues relating to Boston. And we have made some recommendations where we felt moneys were being spent not too effectively or efficiently, and were not helpful in the sense of bringing about what we believed would be desegregation.

Commissioner Freeman. Thank you.

Chairman Flemming. Commissioner Horn?

Commissioner Horn. Senator Kelly, in California in the legislature, we have both a legislative auditor general, who looks at the disbursement of funds, generally after they have been disbursed, and a legislative analyst who represents a joint budget committee of the two houses, who reviews legislative proposals in the Governor's budget, in particular, to independently advise the legislature as to the effectiveness and efficiency with which various state programs are carried out.

Are there any similar agencies that report directly to the legislature rather than to the committee on ways and means, that carry out those functions in Massachusetts?

Mr. Kelly. Yes.

We do have the legislative committee on post audit, which is very similar to the function of the first group that you mentioned in California.

And we do have the independently elected State auditor, who also performs post audit on all State funds.

Commissioner Horn. Does the auditor that reports to the legislature, and is a creature of the legislature, have a staff?

Mr. Kelly. Limited.

Commissioner Horn. How limited?

Mr. Kelly. I would say they have a staff of—similar to our ways and means staff on the part of the senate; probably 20 members.

Commissioner Horn. Do you have about 20 on your senate ways and means committee?

Mr. Kelly. Yes, we do.

Commissioner Horn. You mentioned you had one assigned to the field of education.

Mr. Kelly. That is correct.

Commissioner Horn. I note that we do not have the chairman of the house ways and means committee here, although he was on our initial schedule.

Is there a reason for that?

Mr. Stocks. We were unable to subpena the chairman because of the time problem.

Commissioner Horn. I see.

Do you know offhand if the house ways and means committee has a similar staff?

Mr. Kelly. They have a comparable staff.

Commissioner Horn. Because—my query follows Commissioner Freeman's inquiry, that if you read in the newspapers that there are thousands of students staying out of the schools in Boston, and if a substantial amount of State aid is coming to the Boston School Committee based on their enrollment figure, which is arrived at earlier in the school year, is it not appropriate that the various committees of the legislature, in pursuit of their legislative oversight function, that the funds of the taxpayers of the Commonwealth of Massachusetts be expended in a proper way, not investigate the Boston School Committee, the Boston school superintendent, and how they are carrying out and implementing those State funds?

Mr. Kelly. I don't mean to anticipate the conclusion of your question, but it seems to me that your question runs contra to what might be the expectations or what I might think to be the expectations of this commission.

If the legislature were to punish Boston by witholding funds from it because it was living up to a court order which caused disruption in the schools, then it seems to me that the legislature would then be acting contra to the court order.

Commissioner Horn. Well, I think that is a reasonable position. It has been taken by many in Congress.

I really wasn't suggesting that you punish Boston at this point, because I really don't know what the sanctions are for violation of the law, although we have explored it with a few previous witnesses.

What I am suggesting is that does not the legislature have an affirmative duty to at least investigate the degree to which a particular event is occurring, and the degree to which formulas are being invoked to secure State funds which in reality are not reflected by the student count in the school system.

At this point I won't even pass judgment or make suggestions myself as to what you ought to do following that investigation. I am merely asking, is it not appropriate, in your responsibility to assure the proper expenditure of the taxpayers' money, that such an investigation take place?

Mr. Kelly. Well, I would prefer, finding ourselves in a financial fix that we do find ourselves in Massachusetts, to rely upon the investigations which are conducted by this Commission, and by others who are being paid for, at taxpayers' expense, and keep our cost of investigation at a minimum.

We are trying to get into a staffing position, at least on the part of senate ways and means, where we could at all times monitor the activities of all agencies receiving State funds.

At this point we are very limited in our funding, very limited in our personnel, and one person trying to handle the 100,000 students in public higher education and handling education throughout the Commonwealth, leaves us in a position of not expending our total outlay in one particular area that seems to be rather thoroughly investigated anyway.

Commissioner Horn. Well, Senator, we will be glad to send you a copy of the final report for whatever value it is. We have asked for extensive reports on this problem of school attendance.

Thank you.

Chairman Flemming. Commissioner Saltzman?

Commissioner Saltzman. Gentlemen, can you give us any idea of how much the State receives in taxes from the city of Boston, and how much is returned in State services?

Mr. Kelly. We can give you figures for the State as a whole, and I would guess the proportionate share for the city of Boston.

As far as receiving, is higher than giving.

Commissioner Saltzman. It is receiving higher than it is giving?

Mr. Kelly. I would guess that that was so.

Commissioner Saltzman. Is there any way of securing that information, so that it could be part of our record?

Mr. Kelly. I think that I could secure you information to prove both sides of that question.

Commissioner Saltzman. I only asked because you were indicated that, why should another community pay for things that Boston has to receive.

And I wonder whether there is an imbalance in terms of what Boston is receiving?

Mr. Kelly. There has been imbalance in this State in the industrial communities for many years, including Boston, where—taxed for the benefit of the small community.

But with the rise of one political party, which almost totally represents the industrial community in this State, the last 10 years have shown a reversal in this trend. And it is my opinion that the city of Boston and the major cities are getting more than they were putting out, pretty much because of the welfare cost that is centralized in the major industrial cities.

Commissioner Saltzman. Do you feel, gentlemen, that the city has been profligate in its use of public funds?

Mr. Kelly. That is a tough question to ask when there is an election year going on.

But I would think that the city has demonstrated the same—pretty much the same amount of effectiveness and efficiency as the State has, and for that matter, that the Federal Government has demonstrated.

COMMISSIONER SALTZMAN. Is Boston the commercial center of Massachusetts and its financial stability and success critical to the well-being of the entire State?

MR. KELLY. No question.

COMMISSIONER SALTZMAN. Then may I go on to ask you this: Do you agree with Mayor White, who earlier today said that the quality of education determines how vigorous the commercial life of the city will be in the future?

MR. KELLY. Yes.

MR. BOVERINI. In substance, yes.

COMMISSIONER SALTZMAN. That you are equally concerned, with him, about the quality of education in the city of Boston?

MR. DALY. Absolutely. And if I may address myself to that in a very practical way. I happen to live in the city of Boston, but I live on the border of a suburb called Newton.

And from the point of view of my home, it is equidistant for my child to go to one of two public schools. My child can only attend one of them, because one of them lies in the city of Boston, and the other one lies in the city of Newton.

Now the streets are the same, and the macadam is the same, and the grass is the same, and the homes are the same, and the schools are the same. And in terms of the city's financial ability to provide the kind of quality education so that we can say there is no finer school system in Massachusetts than the city of Boston, in my opinion the only way we can do that is in some way, we must break down that artificial arbitrary barrier that says my child can't take a right at the end of the street and go to school, but must take a left.

And so that I am sure that the mayor, if his statement before you today was similar to his statements in the past, talks about the absolute necessity of the metropolitan area, which as you mentioned earlier in your question was well put in terms of the stability of the city depending in great degree on the stability of the metropolitan area, there is no question in my mind but that is so.

And I think that ultimately, desegregation notwithstanding, there is a larger issue in this State as far as I am concerned; that is the whole question of school finance reform in terms of financing elementary and secondary education and in terms of providing children with an equal education no matter where the accident of their residence is.

And to my thinking there is only one way that can happen, and that is that we have to break down—that is just an artificial, arbitrary barrier. As I said earlier, the grass is the same, the macadam is the same, the schools are the same, folks are the same, streets are the same.

And that is one way, in the long run, I think that this city and most major cities in this country, that is the direction in which we have to move because we are all in it together, and we survive or die on the basis of the vitality of the central city.

And I think that this city, unlike some other cities in this country, has a chance to really do that in a marvelous, creative way. And we are just asking our folks that live in the neighboring communities around the city to realize that and to join with us in this effort.

COMMISSIONER SALTZMAN. Is there any legislation on the planning stages towards that end?

MR. BOVERINI. We have formed, last year, the representative and myself, introduced a resolve forming a commission for unequal educational opportunity.

And the reason for this being to study the problem of school finance, because until we talk per pupil expenditure and equalize per pupil expenditure, we are not talking about equal educational opportunities.

So there is legislation that has been passed, and there is a commission that is active. We meet once a month and try to direct all our efforts towards this goal.

COMMISSIONER SALTZMAN. Thank you.

CHAIRMAN FLEMMING. Commissioner Rankin?

COMMISSIONER RANKIN. I know you differed on your opinion on this matter. Does the hesitancy of the State legislature to give any—to appropriate any money for Phase II, is it due primarily to the lack of money, an unwillingness to help Boston, or is it the purpose for which the money is going to be used?

Or, do all those reasons enter?

MR. KELLY. I would say it is a combination of all of those reasons, and probably the one single reason which is overriding is the fiscal condition of the State.

COMMISSIONER RANKIN. And that is so paramount that the other two pale into insignificance because of it, is that it?

MR. KELLY. Yes, sir.

I think the other two would exist, but—

COMMISSIONER RANKIN. They exist, don't they?

MR. KELLY. They exist, but they wouldn't have meaning and wouldn't be able to be of any influence except for the fiscal condition of the State.

COMMISSIONER RANKIN. Well Mr. Daly, do you think the opposition to this comes from the satellite cities around Boston, or from over the entire State?

Can you localize the opposition?

MR. DALY. The opposition in terms of willingness to support the city in its efforts?

COMMISSIONER RANKIN. Yes.

MR. DALY. Well, I think I am beginning to see an increasing amount of willingness on the part of some suburban legislators to help the city in its efforts.

Now that sudden willingness may have some relationship to the fact that legislation has been filed which would allow the suburban communities to cooperate with us in establishing a metropolitan school district.

I think that apart from that there is no doubt that there is, has been a general unwillingness on the parts of legislators from sections of this Commonwealth, which are at some distance from here, to realize, to understand, to empathize and sympathize with some of the problems of the city.

COMMISSIONER RANKIN. But the satellite cities rise or fall with the successes of Boston?

MR. DALY. Absolutely. I have been trying to tell those folks that for years.

COMMISSIONER RANKIN. It is time they realized that, don't you think so?

MR. DALY. Yes it is, Commissioner.

As a matter of fact, we had a piece of legislation this year—I understand you had Miss Sullivan of the school committee testify before you earlier today and I am sure she talked about the bill that we were privileged to sponsor, which would have allowed suburban and neighboring communities to cooperate with this city.

We weren't very successful, but we intend to pursue that effort.

COMMISSIONER RANKIN. Thank you.

CHAIRMAN FLEMMING. Do any of the other members of the panel want to comment on this last discussion?

MR. KELLY. I would say that rather than opposition to helping Boston, I think that you have to realize that legislators see the State coffers as one source of revenue which has to be divided. And their primary purpose is to get as much as they can for the communities they represent.

So rather than opposition, I think it is—the opposition again is secondary only to their own interests.

CHAIRMAN FLEMMING. Well, I want—oh, I am sorry.

MR. BUGGS. Gentlemen, today the president of the school committee indicated that, as I recall, he would not spend a dime for the purpose of providing funds to secure the kinds of resources, human resources in the form of attendance officers, to see that young people who—I understand thousands of them have and may have boycotted the schools—required, or their parents were required to live up to the law that students should go to school up to a certain age.

And I understand that that is a State law.

I also know that in some places, at least, oversight committees of legislatures, do not just deal with questions of money, but they also deal with questions of the application of the law that the State legislature has passed.

Do you feel that the State legislature has a responsibility where a public official says, without equivocation, that he will, in that case, disobey the law?

Mr. Boverini. I think we do.

I think that the State legislature, through the department of education and its various agencies that represent the legislature in implementing mandates, I think it is incumbent upon them to see that these mandates are carried out.

Mr. Buggs. Thank you.

Chairman Flemming. We certainly appreciate your coming here at this time of the evening and presenting this testimony.

This has been a very revealing experience for us as we have listened to a great deal of testimony. Coming at it from your point of view, and in light of your responsibility, you have really helped. And we appreciate it.

Thank you very, very much.

Mr. Boverini. Thank you, Mr. Chairman.

Chairman Flemming. The hearing will recess until 9 o'clock tomorrow morning.

[Whereupon, at 7:25 p.m., the hearing was recessed to reconvene at 9 a.m., Friday, June 20, 1975.]

UNITED STATES COMMISSION ON CIVIL RIGHTS

Friday, June 20, 1975

The U.S. Commissioner on Civil Rights reconvened pursuant to recess, at 9 a.m., Arthur S. Flemming, Chairman, presiding.

PRESENT: Arthur S. Flemming, Chairman; Stephen Horn, Vice Chairman; Frankie M. Freeman, Commissioner; Murray Saltzman, Commissioner; Robert S. Rankin, Commissioner; Manuel Ruiz, Jr., Commissioner; John A. Buggs, Staff Director; Jacques E. Wilmore, Regional Director; William T. White, Jr., Director, National Issues; Lawrence B. Glick, Acting General Counsel; Paul Alexander, Assistant General Counsel; Donald M. Stocks, Staff Attorney.

PROCEEDINGS

Chairman Flemming. The hearing will come to order.

Counsel will call the first witnesses.

Mr. Alexander. Nancy Yotts, Pat Russell, Tom Johnson.

Chairman Flemming. As the attorney for two of the witnesses has not yet arrived, I think we should proceed, and I would like—before I turn the questioning over to Counsel, I would like to say that the Commissioner has not arrived at a final decision on this matter. We have requested our Counsel to prepare some additional memorandum—memoranda dealing with the legal aspects of the issue.

However, in the interests of time, we feel that we should at this point move forward with certain procedures which are called for by the law. And I'll turn the questioning over to the Counsel, but again, I'd like you to understand that a final decision has not been made by the Commission. It will be made within a matter of a few weeks.

This hearing will not end today. We will simply recess the hearing.

[Simultaneous discussion.]

MR. JOHNSON. We are waiting downstairs for the other counsel—the other witnesses are there—and I was waiting down there for somebody from my office with my briefcase and the papers, but I've come without my briefcase. I'm sure it's going to catch up with me pretty soon.

However, for the interests of time, that's why we've responded to the call and took our seats on the witness stand.

However, I'd like to point out two things with reference to time and the memoranda. Yesterday I was before the—

CHAIRMAN FLEMMING. Maybe we can—shall—

MR. JOHNSON. Okay.

MR. DINSMORE. We were told just to come right in.

CHAIRMAN FLEMMING. That's okay. You've been called, so you come right on in.

MR. ALEXANDER. For purposes of the record, it would be best if everybody, starting with Mrs. Yotts, would identify themselves and counsel clearly identify who they are representing.

MS. YOTTS. My name is Nancy Yotts. I'm a parent, executive board member of the South Boston Information Center.

MS. RUSSELL. I'm Pat Russell, parent of nine children and president of Charlestown Information Center.

MR. ALEXANDER. Counselor Hicks?

MS. HICKS. Yes. My name is Louise Day Hicks, attorney representing both Nancy Yotts and Pat Russell, cocounsel with Counsellor Dinsmore.

MR. JOHNSON. My name is Tom Johnson, 71 Baldwin Street, Charlestown.

MR. GALVIN. Attorney Vincent Galvin. Offices at 40 Broad Street, Boston, Massachusetts. Here as counsel to Tom Johnson.

MR. ALEXANDER. Mr. Dinsmore?

MR. DINSMORE. Yes, sir.

MR. ALEXANDER. Could you just identify yourself for the record.

MR. DINSMORE. I'm attorney Robert Emmett Dinsmore, 31 St. James Avenue, and I'm counsel for Nancy Yotts and Pat Russell, along with Louise Day Hicks.

MR. ALEXANDER. Thank you.

MR. DINSMORE. Gentlemen, the reason that Mrs. Hicks is here is in case I need counsel. She's going to be my lawyer.

Chairman Flemming. Prior to some of the witnesses coming in with their attorneys, I did make this statement which I would like to repeat: The Commission has not made a final decision on the issues raised by the witnesses through their counsel. We have requested our Counsel to prepare additional memoranda on some of the legal issues involved.

However, in the interests of time and the convenience of all concerned, our Counsel will address certain questions to the witnesses in order that the record on which we will be acting will be a complete record. But again I want to underline the fact that at this point the Commission has not yet made a final decision.

Mr. Galvin. Mr. Chairman, if I may conclude the remarks that I was in the process of making to you on the statement—

Chairman Flemming. Yes.

Mr. Galvin. —concerning the time element and the consideration—it's in deference to this Commission and in the spirit of cooperation that we are participating to the extent that we feel that we can, if we can be of assistance to the Commission and the work that it's endeavoring to do.

However, I must comment that in this case if you are liable for an overdue library card you'd have 20 days to prepare an answer to it. And I believe in the Federal jurisdiction, if you put a 5-cent stamp on a first class mail you'd still have 20 days to respond.

This Commission has given these people 24 hours to come up with a legal brief or a memorandum. I submit if there's ever a commission or ever a body that's dedicated or supposed to be dedicated to the rights of the citizens of these United States, it should be this body, and I do feel that that is somewhat of a restriction on the capacity of the people to express and to honor and to be—enjoy the rights that we're supposed to have.

And in following that, as you—as the chairman just said, you are allowing your Counsel to do a further study. Again, this Counsel to this Commission are specialists, I would assume, in the area of civil rights, and they probably have forgotten more than I or many lawyers throughout these United States will ever know about these matters.

And I submit, and I ask this Commission to take this into consideration.

And in closing I would like to say that some of the questions put to my witness concerning the supreme law of the land, etc., etc., have been the subject matter of entire volumes by learned scholars of the law. And to put those questions to a layman, I submit is not—I believe it is improper, quite frankly, Mr. Chairman.

Chairman Flemming. Thank you very much for your comment. I think the point that you raised is a good point, and this Commission will certainly be willing to allow time for filing supplemental memoranda on the issues that have been raised.

Mr. Galvin. Thank you very much, Mr. Chairman.

Chairman Flemming. I'll confer with my colleagues and set the exact time, but certainly I think the point that you've made is a very valid point.

Counsel will proceed.

Mr. Alexander. Mrs. Yotts, could you again identify yourself and your organizational affiliation?

Ms. Yotts. Certainly. I'm Mrs. Nancy Yotts. I live in South Boston. I'm a parent. I have four children. I'm on the executive board of the South Boston Information Center. It is a private organization.

I'm a member of the South Boston Citizens' Association, a member of the South Boston Residents' Group, a member of St. Peter's PTA.

Mr. Alexander. Thank you.

Could you tell us what service the South Boston Information Service provides relative to school desegregation?

Ms. Yotts. I plead the 1st, the 4th, the 5th, the 6th, and the 14th amendments.

Mr. Alexander. Counsel requests the Commission to—

Ms. Yotts. And further, I challenge the right of this agency to question private organizations.

Mr. Alexander. Counsel requests the Commission to direct the witness to answer the question.

Chairman Flemming. By direction of the Commission, I so direct. Mrs. Yotts?

Mr. Dinsmore. Mr. Chairman, what has come before relative to Mrs. Yotts and Mrs. Russell, I would hope that the Commissioner bears in mind is also applicable today, as to the same rights of constitutional privileges, those safeguards that they lean upon and still lean upon.

Chairman Flemming. Thank you.

Mr. Alexander. Mrs. Yotts, does the South Boston Information Center provide any educational information services?

Ms. Yotts. I plead the 1st, the 4th, the 5th, the 6th and the 14th, and I challenge the right of this Commission to question a private organization, and I challenge in fact the legitimacy of the purpose of these hearings being held in Boston.

Mr. Alexander. Counsel requests that the Commission direct the witness to answer the question.

Chairman Flemming. By authority of the Commission I so direct.

Mr. Alexander. Mrs. Yotts, did your organization have any input into the planning for Phase I or the planning that has gone on to date for Phase II?

Ms. Yotts. I plead the 1st, the 4th, the 5th, the 6th, and the 14th amendments.

Mr. Alexander. Counsel requests the Commission to—

Ms. Yotts. And the other points that I have made.

Mr. Alexander. Understood—to answer the question.

Ms. Yotts. And I call upon you to answer the motion filed by my attorney under the Freedom of Information Act, Title V, USCA Section 552. And I call upon you to provide me with any information that has been gathered by investigators concerning my personal life.

Mr. Alexander. Counsel, that motion was duly filed yesterday and will be responded to in the prescribed statutory time.

Mrs. Yotts, in respect to the Commission's direction—

Chairman Flemming. Counsel, I think the record should show that that prescribed statutory time is 10 days.

Mr. Alexander. Correct.

Mrs. Yotts, in response to the Commission's direction to answer the question, do you still refuse to answer the question?

Ms. Yotts. Most respectfully, yes, sir.

Mr. Alexander. Does the South Boston Information Center promote activities to explain its opposition to the desegregation plan?

Ms. Yotts. Again I plead the same.

Mr. Alexander. Counsel requests that the Commission direct the witness to answer the question.

Chairman Flemming. By authority of the Commission I so direct.

Mr. Alexander. Mrs. Yotts, do you still refuse to answer the question?

Ms. Yotts. On the same constitutional grounds and the reasons cited, sir.

Mr. Alexander. Mrs. Yotts, for the record I should inform you that the Commission may consider such refusal to be contumacious behavior.

Mrs. Yotts, is your organization prepared—

Ms. Yotts. Sir, what does "contumacious" mean?

Mr. Alexander. "Contumacious" means a refusal to answer a duly authorized question under subpena proceedings before the Commission.

Ms. Yotts. Thank you. Would you repeat the question, sir?

Mr. Alexander. Is your organization prepared to provide, in relation to Phase II, community involvement, information services, training for community persons or the like?

Ms. Yotts. Again, I call upon my constitutional rights.

Mr. Alexander. For the record, show that Counsel intended to ask general questions and then, based on the response of the witness, to ask followup questions.

Ms. Yotts. For the record, I challenge your right to investigate a private organization.

Mr. Alexander. Mr. Chairman, Counsel requests that Mrs. Yotts's refusal to answer a series of directed—of questions that she has been directed to do so by the Commission, be considered contumacious behavior.

Chairman Flemming. I'll poll the Commission on that request.

Those favoring the motion by Counsel will indicate by saying aye, those opposed, no.

Chairman Flemming. Commissioner Freeman?

Commissioner Freeman. Aye.

Chairman Flemming. Commissioner Horn?

Commissioner Horn. Aye.

Chairman Flemming. Commissioner Rankin?

Commissioner Rankin. Aye.

Commissioner Saltzman. Aye.

Chairman Flemming. Okay.

Ms. Yotts. I couldn't hear Mr. Rankin's answer, sir.

Commissioner Rankin. Aye.

Chairman Flemming. Aye.

Commissioner Rankin. Sorry.

Chairman Flemming. Your motion is granted.

Mr. Alexander. Counsel requests that this matter be referred to the U.S. Attorney for appropriate proceedings.

Chairman Flemming. By action of the Commission, this motion will be taken under advisement, and no decision will be made at this particular session until—and this ties in there—if I might interrupt—this ties in with the request of Counsel that additional time be provided to supply addenda to the memoranda that have been furnished. And we will grant additional time, and then we'll also have briefs from our own attorneys, and then on the basis of weighing those arguments, we will make our final decision.

But Mr. Dinsmore, I want to make it clear that no final decision is being made at this time.

Mr. Dinsmore. Mr. Chairman, Mr. Vincent Galvin made a statement earlier. I don't want to make a statement, but I would like to add to what you just said.

Chairman Flemming. Yes.

Mr. Dinsmore. As I understand it, you've indicated that you have by statute 10 days to answer my questions under the Freedom of Information Act.

Chairman Flemming. That is correct.

Mr. Dinsmore. Well, part of the defense that will be raised, I anticipate, as a refusal on the part of my client clients to respond—and again, they refuse most respectfully, not contemptuously, but to respond to the questions of this honorable Commission, might very well be based on some of the answers that I anticipate will be forthcoming under the Freedom of Information Act.

So I would ask that if there is some way that we can coordinate the filing of supplementary briefs after, Mr. Chairman, we receive the information under that Act—

Chairman Flemming. Okay.

Mr. Alexander. Mr. Dinsmore, Counsel will be glad to discuss this matter of timing with you. I just point out for the record that under the Freedom of Information Act, Freedom of Information Act requests technically cannot be used to pursue other proceedings. But we will be happy to discuss the timing with you and make what arrangements are appropriate.

Mr. Dinsmore. Fine. The other thing that the lady was—

Chairman Flemming. Could I just—

Mr. Dinsmore. —as a defense—

Chairman Flemming. Mr. Dinsmore, could I just—to nail that one down—I think the suggestion made by Counsel is a good one. After we've finished these proceedings, if both counsel representing witnesses could confer with our Counsel to see if agreement can be reached on a—on a time period, and then we reserve the right to make the final decision on it, but we would be very glad to have the advice of both counsel along with our Counsel in terms of fixing the time when additional memoranda should be filed.

Mr. Galvin. Well, Mr. Chairman, the reason I made those preliminary statements originally was relative to the two things, the time in which to come up with the memorandum in 24 hours, and also my observations just sitting beside my witness here when he was sort of confronted with very, very erudite questions of law.

I submit to you, Mr. Chairman, that to go through this formality and to hold these people up to this type of questions and rule and vote as to whether they are being contemptuous of this Commission, at this point in time when we don't have the preliminary matters resolved, I submit violates these people's rights. They're holding them up to a substantial segment of the community as obstructionists.

There's no question in my mind of that. If you read the daily newspaper you can take judicial notice of that fact. And I submit that that being the case, to go through this formality from the ringed notebook in front of the Counsel and asked the questions and go through the votes before we cover that preliminary matter, I submit is a violation of their human rights if not their civil rights.

Mr. Alexander. As counsel is aware, any allegation—not allegation, but any claim of privilege is supposed to be specific at the time it is raised and argued at that time by counsel. The Commission has extended a courtesy in this situation in allowing supplemental statements to perfect the assertion of privilege.

Mr. Galvin. Mr. Chairman, I submit that that is as shallow as the old concept of separate but equal.

Mr. Dinsmore. Mr. Chairman, most respectfully may I add to more points to what the lady has already said?

Chairman Flemming. Yes.

Mr. Dinsmore. As to why she objects to testify.

Number one, we feel that there is a serious violation under the Federal statutes. Factually—or strike "factually." As a practical matter it is our contention that there is a violation of rights of Mrs. Yotts and Mrs. Russell under color of law, and there are appropriate statutes, as this Commission knows, that we can move on, and we are considering moving on.

Secondly, I note that a report in the media, and we discussed this, indicates that a statement was made by somebody on the Commission, that the reason for the Commission being in Boston was to lend force or lend Federal presence to an order which had issued from the Federal District Court.

I note also, and I think I was ruled out of order, but I—the last time, but I'm not saying this to be facetious. You have—one issue here is the first amendment to the Constitution of the United States of America, the right to free speech. And what bothers me here is that I have two people. They're little people. They're poor people. And we lean heavily on the first [amendment].

The *Boston Globe* is a multi-billion dollar corporation. They plead the first. They don't even show up by subpena. Do you know, sir, that even before the Alcoholic Beverage Commission in Massachusetts I have subpenaed newspapermen and they have responded to the subpena and they have gone on record and stated their reasons. Yet it is my understanding that a Counsel from this agency has indicated that they do not intend to force Mr. Healy from the *Globe* in here to answer. Mr. Healy has that right of the first amendment.

A decision has been made by your Counsel that that first amendment cannot be claimed under this situation by two poor persons, but that the rich paper can. And I say to you most respectfully and most humbly, if that isn't discrimination, then you tell me what is.

CHAIRMAN FLEMMING. Mr. Dinsmore, may I return to my opening statement, that the final, basic decision on the issues which you have raised in behalf of your client has not been made by the Commission.

On the point made earlier by the counsel for Mr. Johnson, after Counsel has finished asking the questions, and before he makes a motion relative to contumacious conduct, I'm going to recess the hearing and consider the points raised by—so that the Commission can consider the points raised by counsel. And I will—at that—oh, all right.

COMMISSIONER HORN. Mr. Chairman, pursuant to the discussion, I move that the Commission rescind its citation of Ms. Yotts for contumacious behavior, and that the Counsel will proceed with the questioning of the three witnesses, and that any motion Counsel wishes to make after pursuing standard procedure will then be discussed in executive session of the Committee during a recess with the present witnesses and Counsel remaining and the Commission returning to then formally vote one way or the other on the three cases before it.

CHAIRMAN FLEMMING. Okay. Do you vote aye on that motion?

COMMISSIONER HORN. Well, we need a second, I think.

CHAIRMAN FLEMMING. Okay.

Do you second it?

COMMISSIONER FREEMAN. I will second it.

CHAIRMAN FLEMMING. Okay.

Do you vote aye now on the motion?

COMMISSIONER FREEMAN. Aye.

COMMISSIONER HORN. Aye.

Commissioner Rankin. Aye.

Commissioner Saltzman. Aye.

Chairman Flemming. All right. With that—I think that covers the point that you have raised, which we will take under advisement immediately after the—

Mr. Galvin. Mr. Chairman, that is a move in the right direction, yes. Thank you very much.

Chairman Flemming. Good. All right. Will Counsel—

Mr. Alexander. Mrs. Russell—

Chairman Flemming. Counsel, Mr. Dinsmore understands now that the motion that was made by Counsel relative to your client has been rescinded, and that that motion by Counsel and any similar motions he may make will be taken under advisement in an executive session immediately. We will ask you to wait, and then we will come back and indicate what our decision has been.

Mr. Dinsmore. Thank you, Mr. Chairman.

Mr. Alexander. Mrs. Russell, could you again identify yourself?

Ms. Russell. Pat Russell, 9 Carney Court in Charlestown, parent of nine children and president of the Charlestown Information Center.

Mr. Alexander. Mrs. Russell, would you please describe the Charlestown Information Center and the types of services it provides?

Ms. Russell. I plead the 1st, the 4th, the 5th, the 6th, and the 14th amendments.

Mr. Alexander. Counsel requests that the Commission direct the witness to answer the question.

Ms. Russell. And also the subpena that was served to me was not served properly.

Mr. Alexander. Would counsel or witness specify the objection to service?

Ms. Russell. I did not get it in a reasonable period of time. It was sent to my son's home. And I question you your right to question a private organization.

Mr. Alexander. Could you tell us whether or not—

Commissioner Horn. Excuse me. The Counsel had better repeat the request to direct the witness to answer the question.

Mr. Alexander. Thank you, Mr. Vice Chairman.

Counsel requests that the Commission direct the witness to answer the question.

Chairman Flemming. By authority of the Commission I so direct.

Mr. Alexander. Mrs. Yotts, does your organization, the Charlestown Information Center—

Commissioner Horn. Excuse me. It's Mrs. Russell. The signs are wrong.

Mr. Alexander. I apologize. Mrs. Russell, does the Charlestown Information Center provide such services as counseling or community information?

Ms. Russell. I plead the 1st, the 4th, the 5th, the 6th, and the 14th amendments. I question you your right to question a private organization. I question the legitimacy of the purpose of these hearings being held in Boston.

Mr. Alexander. Mrs. Russell—

Chairman Flemming. Wait a minute.

Mr. Alexander. I'm going back a minute.

In relation to the Commission direction of you to answer the preceding question do you still refuse to answer such question?

Ms. Russell. I take the 1st, the 4th, the 5th, the 6th, and the 14th amendments.

Mr. Alexander. With respect to my question relating to whether your organization provides counseling or information services, I request the Commission to direct the witness to answer the question.

Chairman Flemming. By authority of the Commission I so direct.

Mr. Alexander. Mrs. Russell?

Ms. Russell. I question your—I take the 1st, the 4th, the 5th, the 6th, and the 14th amendments, and I question your right to question a private organization.

Mr. Alexander. With respect to the direction of the Commission do you still refuse to answer the question?

Ms. Russell. Respectfully, yes.

Mr. Alexander. Is your organization undertaking any outreach attempts under Phase I to provide information to community residents concerning school desegregation?

Ms. Russell. I take the 1st, the 4th, the 5th, the 6th, and the 14th amendments, and I question your right to question a private organization.

Mr. Alexander. Counsel requests the Commission to direct the witness to answer the question.

Chairman Flemming. By authority of the Commission I so direct.

Mr. Alexander. Mrs. Russell, will you answer the question that the Commission has directed you to answer?

Ms. Russell. I take the 1st, the 4th, the 5th, the 6th and the 14th amendments, and I wish to be treated as the *Boston Globe* has been treated.

Mr. Alexander. Mrs. Russell, has your organization had any input into the planning or the—for Phase I or the planning for Phase II, such as it has been?

Ms. Russell. I plead the 1st, the 4th, the 5th, the 6th, and the 14th amendments; I question your right to question a private organization; I question the legitimacy of the purpose of the hearings being held in Boston. I call upon you to reply to the motion filed yesterday under the Freedom of Information Act, Title V, USCA Section 552. I call upon you to furnish any information gathered by the investigation concerning my personal life.

Mr. Alexander. As Counsel—

Ms. Russell. And further, I understand that you have already conducted an investigation on me. I don't understand the necessity of further investigation and questioning.

Mr. Alexander. As Counsel has already indicated, the request under the Freedom of Information Act has been received and will be responded to within the prescribed statutory time.

Mrs. Russell, is your organization planning to provide any information relative to Phase II, any outreach programs, training for parents and students and such?

Ms. Russell. I plead the 1st, the 4th, the 5th, the 6th, and the 14th amendment and I question your right to question a private organization.

Mr. Alexander. Counsel requests—

Mr. Galvin. Point of order, Mr. Chairman. Could I address the Chair, please?

At this point in time I'm beginning to wonder the purpose of this public hearing at this particular time, having all three people here. The Commission is apprised of the position taken by counsel for these witnesses. And to go through this—please, I say this in all deference—it's almost like a charade. It's almost like putting these people up on exhibit.

If we have agreed that we are going to try to cooperate and help this Commission—

Chairman Flemming. Counsellor—

Mr. Galvin. And we have agreed they will do it in executive session, why do we go through this display at this time?

Mr. Dinsmore. Mr. Chairman, the witnesses Yotts and witness Russell, at this point we don't ask for executive session. I would add one thing to what Mr. Galvin says. I'm not a big-time lawyer. I have a small office. But I have tried a few criminal cases. And this is taking on the tone of a grand jury investigation.

Chairman Flemming. I think in view of the fact that you have addressed the Chairman on this point, this Commission of course has been confronted with this issue before in its history, and we're simply following the procedures that the law prescribes. And I recognize that it is somewhat repetitive, but we have an obligation to develop a record which conforms to the provisions of the law, and that's all we're doing, and we'll do it just as quickly as we can.

And in response to Mr. Dinsmore's comment, we will go into executive session solely for the purpose of considering counsel's motion relative to the contumacious conduct, and then we'll indicate whether we are going to take that under advisement pending the submission of additional memoranda by counsel. That's all we have in mind.

Mr. Dinsmore. Mr. Chairman, in that regard, one of the real concerns that these ladies have had, and that Mrs. Hicks has had during the hearing, you don't know it, you are not aware, probably, that there has been an ongoing investigation. This is why we have to take the position we're taking.

Chairman Flemming. I—

Mr. Dinsmore. The FBI as recently as yesterday has interrogated a client of mine the day before, knowing I'm counsel. It's taking on, curiously, a parallel with what happened during the demonstrations against the Vietnam War. And I don't intend to find ourselves in another Watergate situation. I want protection here. I want to know. I don't want to be another Daniel Ellsberg here. I want these ladies protected.

And we—that's why we asked for the information under that act, and that's why we're citing our constitutional amendments.

Chairman Flemming. Mr. Dinsmore, I—this we recognize, and I—we recognize the right of your clients and you representing them to raise all of the issues that you are raising. And we do want to give you additional time to develop whatever additional addendum to the memoranda you desire to develop, so that we have before us everything that you feel we should have before us before we make a final decision.

And this Commission will cooperate with you as counsel to make sure that you have adequate opportunity to present to us everything that you want to present.

Mr. Dinsmore. Sir, could that also take the form of affidavits that people that have been forced to take polygraph tests have been subjected to harassment by Federal agents?

Chairman Flemming. May I—

Mr. Dinsmore. May I also submit that as a part of my brief for your consideration?

Chairman Flemming. Yes. May I suggest that you discuss that with Counsel, and I think that you can reach an agreement on that.

Now, I'll ask Counsel—in the interests of time I'll ask Counsel to proceed.

Mr. Alexander. Well, there's an outstanding question to Mrs. Russell in relation to what her organization would be willing to do in relation to Phase II in terms of training, information, and outreach programs, and I respectfully request the Commission to direct Mrs. Russell to answer the question.

Chairman Flemming. By authority of the Commission, I so direct.

Ms. Russell. I plead the 1st, the 4th, the 5th, the 6th, and the 14th amendments, and I question you the right to question a private organization.

Mr. Alexander. Counsel requests that the Commission find the refusal to answer the questions set out to be contumacious behavior.

Chairman Flemming. That motion on the part of Counsel will be taken under advisement.

Mr. Alexander. Mr. Johnson, would you please identify yourself again for the record?

Mr. Johnson. My name is Thomas Johnson. I live at 71 Baldwin Street, Charlestown.

MR. ALEXANDER. Mr. Johnson, with respect to the Charlestown Information Organization, also known sometimes as the Powder Keg Organization, could you tell us what types of services your organization provides?

MR. GALVIN. I object to the form of the question, Commission, as being improper and loaded.

CHAIRMAN FLEMMING. Would you specify?

MR. GALVIN. It's a general objection at this time, Mr. Chairman, to the form of the question as loaded.

COMMISSIONER HORN. Will Counsel repeat the question?

MR. ALEXANDER. Mr. Johnson, are you a member of the Charlestown Information Center?

MR. GALVIN. Objection.

CHAIRMAN FLEMMING. On what grounds does counsel object to an inquiry as to whether or not his client belongs to the organization?

MR. GALVIN. There is no evidence before this Commission at this time, as far as this witness is concerned, as to what organization he is referring to, when it existed, when it came into being, if it ever existed.

CHAIRMAN FLEMMING. Will Counsel respond to that comment or observation on the part of Counsel for the witness?

MR. ALEXANDER. The rules of evidence in a Commission proceeding are not the strict rules that are followed in a criminal proceeding. There is information in the record with respect to the Charlestown Information Center as an organization from the testimony of other witnesses and from documents in the Commission's possession.

MR. GALVIN. Mr. Chairman—

CHAIRMAN FLEMMING. Pardon me.

MR. GALVIN. I submit, Mr. Chairman, that that statement by Counsel as to what he or they think doesn't help this witness respond to this question, because what is in the mind of Counsel or in the minds of each one of these Commissioners might not be the same organization that is in the mind and memory, if it is, of this witness. And consequently we do not have any definitive object before the witness as to whether or not he belongs in this particular operation.

And I might cite, Your Honor, Mr. Chairman— of the United States, some of the language in there, abuses of the investigatory process may imperceptibly to abridgement of protected freedom. Now we know in this instance that this Commission is precluded from going into any involvement, inquiry of any witness, voluntary or involuntary, relative to any association of a private nature. And we also know that this Commission is precluded by the various amendments of the Constitution of the United States from abridging the personal rights or going into the personal effects of individuals.

And I submit that this question is—has not been sufficiently established, the foundation for it, to be responsive.

Chairman Flemming. I'll ask Counsel to summarize what is in the record relative to the organization to which this reference has been made.

Mr. Galvin. May we have reference to the page and volume of the record so that we can check it out?

Mr. Alexander. That is not currently available as the transcript is being provided in a short period of time.

Commissioner Horn. Well, can I ask Counsel a question?

Counsel, have you established that of the organizations you're questioning the witnesses about, that they are chartered under the laws of the State of Massachusetts—Commonwealth of Massachusetts?

Mr. Alexander. Those questions were asked Mr. Johnson and Mrs. Russell, I believe, on Wednesday.

Mr. Galvin. The question was put to you, Counsel, have you established that these organizations have been chartered under the laws of the Commonwealth of Massachusetts? That's a yes or no responsive answer, I believe.

Mr. Alexander. It has not been established today on this record.

Commissioner Horn. Well, has Mr. Johnson been asked the question?

Mr. Alexander. I'm asking it right now.

Mr. Johnson, is the Charlestown Information Center chartered organization under the laws of Massachusetts?

Mr. Dinsmore. Mr.—pardon me—Vice Chairman Horn, there was a motion filed, and in the motion—I mean that's nothing to hide—under chapter 180, the South Boston Information Center is, in fact, a charitable corporation, a private club in Massachusetts. So as far as that answer is concerned, that was in writing.

Chairman Flemming. That was in connection with the motion that you filed. However, counsel for Mr. Johnson has not filed any motion of that kind; am I correct?

Mr. Alexander. Yes, he has.

Chairman Flemming. Has he?

Mr. Galvin. Yes, Your Honor, Mr. Commissioner. I raised that last Friday.

Chairman Flemming. I see, okay.

Mr. Galvin. Wednesday, last Wednesday.

Chairman Flemming. Well, then—then it is a matter of record that this has been chartered as a nonprofit organization. Is that true?

Mr. Galvin. No, Mr. Chairman. You've got to watch these questions very carefully.

Chairman Flemming. Okay. Well, go ahead.

Mr. Galvin. What Mr. Dinsmore just volunteered was that the South Boston Information Center was chartered.

Chairman Flemming. Okay.

Mr. Galvin. The questions of Counsel right now have to do with some other organization, not South Boston.

Chairman Flemming. Okay, okay.

Mr. Galvin. We've got a number of—

Chairman Flemming. We've got a number of information centers.

Mr. Galvin. Well, we've got a number of towns altogether called Boston.

Chairman Flemming. Right.

The—Counsel, it is your best recollection that there is in the record of the hearing the kind of information that has been asked for by counsel for the witness. Am I correct?

Mr. Galvin. If I followed, Mr. Chairman, his answer was in the negative.

Chairman Flemming. Well, wait a minute.

I don't think—

Mr. Alexander. It is not in the record specifically that the Powder Keg Information Center or the Charlestown Information Center was a chartered organization of the State of Massachusetts. Not in the record at this hearing.

Chairman Flemming. Well, in view of the dialogue on this particular question, I feel we should take under advisement whether we are going to direct the witness to answer this particular question, and counsel in his supplementary memorandum may raise whatever issues he desires to raise relative to this question.

Mr. Alexander. Mr. Johnson, have you personally had any input into the planning for Phase II desegregation?

Mr. Galvin. I object to the form of the question.

Mr. Alexander. Could you specify?

Mr. Galvin. It's a general objection to the form of the question. Again, it is loaded. The question is input, did he have input into it, and to what the designation as to—the last part of the question. It's—

Mr. Alexander. Counsel respectfully requests the Commission direct the witness to answer the question.

Chairman Flemming. By authority of the Commission I so direct.

Mr. Alexander. Mr. Johnson, do you refuse to—still refuse to answer the question?

Mr. Johnson. I do not understand the question.

Chairman Flemming. Will the Counsel repeat the question.

Mr. Alexander. The question is whether you personally have had any input to the planning for Phase II desegregation.

Mr. Galvin. Your Honor, Mr. Chairman, again I object. Phase II hasn't even come into being yet, and he's asking—if I followed the sentence correctly, he used the verb in the past tense, and he's using the object of the verb as Phase II, which is in the future. I still submit that it is improper questioning.

Mr. Alexander. Mr. Chairman, the planning for Phase II began a long time ago. Phase II was ordered shortly—I did not ask whether it was planning for the implementation, I asked whether it was the planning for Phase II.

Chairman Flemming. I think the Chairman should point out again that under the law and under the rules of this Commission we are not bound by the strict rules of evidence and our questions are simply designed to elicit information which we feel will be helpful to us in evaluating the hearing and making findings and recommendations.

Mr. Galvin. I am fully aware that under the rules of evidence sometimes the rights have—civil rights and human rights have to take second place to the greater consideration of the government, but in this Commission, it should be more jealously and zealously protected if it is going to do the job that the Congress has assigned to it. So—

Chairman Flemming. I agree with counsel completely on that.

Mr. Galvin. I think it's not for the purpose of being difficult here, Mr. Chairman, it's for the purpose of being enlightening and assisting this Commission that we take this position.

Chairman Flemming. I appreciate—

Mr. Galvin. I'll see if my client can answer the question.

Chairman Flemming. Okay.

Mr. Johnson. No.

Mr. Alexander. Thank you. Was that no response to the direct question that I asked?

Mr. Galvin. Yes.

Mr. Johnson. Yes.

Mr. Alexander. Thank you. Have you had personally any input into the planning for Phase I?

Mr. Galvin. The same objection, Mr. Chairman, to that question.

Mr. Alexander. Counsel requests the Commission direct the witness to answer the question.

Chairman Flemming. May I ask counsel for the witness as to what right he feels is at stake in connection with that particular question?

Mr. Galvin. It's the form of the question, Mr. Chairman: "What input have you had into Phase I?" I have been at the bar for over 21 years. That question can carry a different inquiring incidence to anybody in this room. I submit the question is wrong.

Chairman Flemming. Well, I'm going to direct that the question be answered, but again, you may, counsel, argue the point that you've raised with me in your memorandum.

Mr. Galvin. We may get beyond this impasse, Mr. Chairman, if Counsel for the Commission can be more specific and break it down. It's obvious that that question raises many questions: What does he mean by "input"? What does he mean by what has he done? As an individual, as a member of something, so forth. That's—

Mr. Alexander. The question was asked in his individual capacity, as you remember.

Mr. Galvin. Well, then if it's asked on his individual capacity, Your Honor, Mr. Chairman, then I submit that the Commission is now going into the personal activities or the personal beliefs of the witness, which are definitely privileged information, and should not on the scope of this inquiry and—

Mr. Alexander. There was no inquiry into the beliefs in that particular question. It was only in relation to activities.

Mr. Galvin. The same applies to activities, certain activities. That makes the question even that much broader, Mr. Chairman. What activities are we talking about, going to church and praying for a change in government or a change in people's thinking, or taking some other type of appropriate action that the individual might anticipate as being appropriate?

I still submit it's too broad.

Chairman Flemming. Okay. The ruling still is that the witness answer the question, and again, reserving your right to raise the issues that you've raised further in your memorandum.

Mr. Johnson. I don't understand the question.

Mr. Alexander. Thank you. Have you had any input in terms of consultation with school officials or parents into the implementation of Phase I?

Mr. Galvin. Mr. Chairman, can we have that broken down? He's inquiring into parents and school officials. Can we break it down?

Mr. Alexander. The question was either. I can ask it as two questions if you prefer. He can answer it twice.

Chairman Flemming. I would request Counsel to ask them as two questions.

Mr. Alexander. Have you had any input in terms of consultation with school officials for the implementation of Phase I?

Mr. Johnson. No.

Commissioner Horn. If you will excuse me, could I ask at that point, as I recall, Mr. Johnson is the president designate of the Home and School Association. Is that not correct?

Mr. Alexander. That is correct. That is on the record.

Commissioner Horn. Are we clear, Mr. Johnson, when you take office?

Mr. Johnson. No, I am not—

Mr. Alexander. That was on the record for Wednesday.

Mr. Johnson. Sorry, I couldn't hear you.

Commissioner Horn. You're not president now.

Mr. Johnson. I'm not clear when I'll take office.

Commissioner Horn. You're not clear. Were you an officer last year? Of the Home and School Association?

Mr. Johnson. Very briefly.

Commissioner Horn. Could I ask what office and when?

Mr. Johnson. An executive board member. They asked for volunteers to belong to the executive board, and I did volunteer.

Commissioner Horn. From what date?

Mr. Johnson. I really couldn't tell you.

Commissioner Horn. Because I think this is the relevance the Commission's interested in, as an officer of the Home and School Association, a member of the board, was there consultation with school officials during the implementation of Phase I?

Mr. Johnson. This is maybe several weeks ago. It was much longer after Phase I had already been implemented.

Commissioner Horn. Was there any consultation with you as an executive board member of the Home and School Association under Phase II as was handed down by the judge on June 5?

Mr. Johnson. None whatsoever.

Commissioner Horn. To your knowledge as an executive board member, was any money given to the Home and School Association by either the school committee of Boston or the city of Boston concerning matters affecting desegregation?

Mr. Johnson. To my personal knowledge, none.

Commissioner Horn. Thank you.

Chairman Flemming. Counsel will proceed.

Mr. Alexander. Did you have any input into the planning for Phase II, for example, input into the masters hearing?

Mr. Johnson. No.

Mr. Alexander. Have you had any consultation with parents in relation to implementation of Phase II?

Mr. Galvin. Again I must object to the form of the question, and rather than go through the ritual again, I'm going to put in this way: Is Counsel restricting the inquiry contained in the question to Mr. Johnson's position as a member of the Home and School organization?

Mr. Alexander. The question was asked of Mr. Johnson in terms of him as an individual, which would include, of course, his involvement as the president-elect of the local Home and School Association or any other organization he wishes to identify himself with.

Mr. Galvin. Then, Mr. Chairman, I submit that the question is improper, because if it includes his consultation as a member of the Home and School and it also is so broad as to include his individual personal standing, then it inquires as to whether or not he talked to the people across the back fence, and I submit that this Commission has no right to ask him whether or not he talked to the people in his personal capacity across the back fence about the school desegregation situation in Boston.

Chairman Flemming. I would like Counsel to direct the question to the witness related to the Home and School Association, and then if Counsel so desires, he can ask an additional question, but I would like one question asked relative to the Home and School Association.

Mr. Alexander. In your capacity in the Home and School Association, have you had any consultation with parents in relation to implementation of Phase II?

Mr. Johnson. No.

Mr. Alexander. Have you had any consultation with parents in relation to the implementation of Phase II in any other capacity?

Mr. Galvin. Now, that, Your Honor, I object to because now the question goes into his personal beliefs, his personal activities, which are privileged. And if we're talking about some kind of an organization, then—private organization, then it's going even further beyond the scope of this Commission's jurisdiction.

Mr. Alexander. Counsel requests that the Commission direct the witness to answer the question. That will be Counsel's last question.

Chairman Flemming. By authority of the Commission I will so direct, with the understanding that Counsel will have the opportunity of presenting additional arguments on this point before we make any decision.

Mr. Galvin. Well, Mr. Chairman, in—again, in the effort to try to be helpful, then can we have that question broken down into two parts, so maybe we can get it really in a finite position so we know exactly what we're directing our attention to.

Chairman Flemming. All right. If Counsel—

Mr. Alexander. Well, I just state for the record as long as counsel—as the witness could reasonably answer any portion of that question, that question would be an entirely proper question. For your convenience—

Mr. Galvin. I submit, Mr. Chairman, if once he starts to open that—answer that question, even though it has two parts to it, and could go from his personal involvement to his involvement through a private organization, that it has been or could be construed that he has waived his rights to protect his rights, and that it would broaden the scope of this inquiry beyond that which Congress has—

Mr. Alexander. But for your convenience, for your convenience I will break the question down further.

Mr. Galvin. I'm not here—Mr. Chairman—

Chairman Flemming. That's all right.

Mr. Galvin. Don't worry about my convenience.

Chairman Flemming. No, it's going to be broken down. Go ahead.

Mr. Alexander. In your personal capacity, have you had any consultation with parents with respect to the implementation of Phase II?

Mr. Galvin. Now, to that question with reference to his personal involvement or personal discussion with his neighbors, his friends, his priest or minister, I submit, Your Honor, I'm going to instruct my witness, without even asking what his answer would be, that he must—he need not answer, and he should not answer that question. Even though the answer may be innocent and it may move us along quickly, I submit that to allow him to answer that question would be to violate the very thing that this Commission has been established to go after.

Chairman Flemming. By authority of the Commission I will direct that the question be answered, under the same understanding.

Mr. Alexander. Your refusal to answer stands?

Mr. Galvin. All right. Rather than talk through my witness like a ventriloquist, may I say I'm instructing the witness to refuse to answer on the grounds that, one, it goes beyond the scope of the inquiry authorized by this Commission; secondly, that the question is not pertinent to the stated purposes of this Commission's hearing at this time;

thirdly, the inquiry violates the right under the first amendment; fourthly, it violates his rights under the fifth amendment; fifthly, it violates his rights under the sixth amendment; and also further it violates his rights under the ninth amendment.

Chairman Flemming. In other words, you're summarizing—

Mr. Galvin. And also, it also—

Chairman Flemming. Counsel, as I understand it, you're in effect summarizing the objections that you included in your memorandum.

Mr. Galvin. No, Your Honor, I'm just being specific as to the grounds on which—

Chairman Flemming. Okay.

Mr. Galvin. —this witness need not answer, and also the decisions of the Supreme Court, which I'm sure my brother knows more than I do.

Mr. Alexander. Mr. Chairman, Counsel respectfully requests that there be a finding of contumacious behavior on the part of the witness.

Chairman Flemming. This motion will be taken under advisement by the Commission.

Does that complete your questioning?

Mr. Alexander. That completes Counsel's questioning.

Chairman Flemming. The Commission will recess for 10 minutes. I—with the—yes.

Ms. Hicks. Mr. Chairman, I have a very brief remark to make as a closing statement regarding the matters here, that I would like to—I would like to, first of all—

Chairman Flemming. I think—

Ms. Hicks. Yes?

Chairman Flemming. Are these related to the issues that have been raised?

Ms. Hicks. Yes, they are.

Chairman Flemming. Right. Okay.

Ms. Hicks. Yes, they are, Mr. Chairman.

Last evening on channel 2, in explaining the tendencies of this Commission to favor probusing, one of your staff members allegedly told a channel 2 reporter:

"What do you expect of this Commission? Of course we're liberal. What did you expect—white-hooded people sitting on the Commission?"

Well, Mr. Chairman, we do not expect white-hooded people sitting on this Commission. In fact, they would be just as frightening to the people of Boston, and they would have just the same chilling effect on the people of Boston. But what we do expect is moderation and fairness.

My clients are not racists, obstructionists, nor fascists, and neither am I. They're just two homemakers who are gravely concerned with the welfare of their children. And they refuse today to answer in the spirit of the great Bicentennial that we are celebrating across this country: the protection of our freedom. They refuse to answer in the spirit of Rosa Parks. They are not going to move to the back of the bus, Mr. Chairman.

Chairman Flemming. Thank you. The Commission will now be in—did Counsel have a comment?

Mr. Alexander. No.

Chairman Flemming. No, well—

Mr. Galvin. Yes, Mr. Chairman, I—

Chairman Flemming. May I say the only thing that we are going to consider in executive session is the point that you raised at the beginning as to whether or not we will take under advisement, without making a decision at the present time, the last motion of our counsel. That's all we're going to consider at this point. And on all other issues—

Mr. Galvin. Is the Commission going to give counsel to the witnesses an opportunity to be heard at executive session at some point in time before the final decision is made? There are some decisions of the court that I think would be most enlightening, that frankly go contrary to everything I've heard around here and everything I've observed around here.

Chairman Flemming. Well, those—those issues we're not considering at this particular time. I've suggested that you confer with our Counsel, both counsel, as to the material that you are going to furnish in your additional—

Mr. Galvin. Mr. Chairman, I don't know which counsel. Every time I turn around it's a different counsel. I'm just one man for one client. You've got a staff of them.

Chairman Flemming. I know. May I again—I mean you made a request that this Commission is going to take under consideration, a request which you believe will make it possible for you to better represent your client. And we recognize that you have the right to make that request. We are going to consider it, and we'll let you know immediately on that.

Mr. Dinsmore. Mr. Chairman, when is this going to take place? When is the executive session going to take place?

Chairman Flemming. It's going to take place right now. We will be back in about 10 minutes, and I respectfully request the witnesses and their counsel to remain. And so—

Mr. Dinsmore. Do you want us to remain at table, or do you—

Chairman Flemming. At the table. Yes, so that—

Mr. Galvin. I've got to get to a phone, if you don't mind.

Chairman Flemming. Well, that's all right.

Then, counsel, and Mr. Dinsmore, you will have the opportunity of making any observations on what we say after our executive session.

[Recess.]

Chairman Flemming. The hearing will resume, please.

The Commission has decided to take under advisement the motion of our Counsel relative to contumacious conduct in all three instances. We will not make any decision on it until we have had the benefit of memoranda filed by counsel for all of the witnesses. And at the same time, of course, we'll have the benefit of memoranda developed by our own Counsel.

As to the timing, we respectfully suggest that both counsel confer with our Counsel to reach agreement on the time when the memoranda should be filed.

And I would like to say again that this hearing—I'll announce this at the end of the hearing—I will not adjourn the hearing. The hearing will be recessed so as to protect the rights of everyone.

Mr. Dinsmore. Mr. Chairman, on the issue of transcripts, will counsel for the ladies and counsel for Mr. Johnson be provided with transcripts of the proceedings, that part of the proceedings that concern our client?

Mr. Alexander. Yes.

Chairman Flemming. Yes. And here again, the timing on that should be discussed when you are endeavoring to reach agreement as to when the memoranda should be filed.

I should also make it clear, and I'm sure all counsel appreciate this, that the subpenas remain in force during this period of time.

Mr. Dinsmore. The only other point, Mr. Chairman, that I would like to raise—and it didn't really hit me until after we recessed, and when Mrs. Yotts reminded me, she said, "Bob, you know I was never sworn in."

Chairman Flemming. I'm sorry—

Mr. Dinsmore. And I also don't believe that when we started the hearing this morning, that that was on the record that they were still under oath, or that they were sworn in, and I would raise that as another issue.

Chairman Flemming. Okay. But all were sworn in in connection with the early part of the hearing, and the Commission has followed the procedure that where a person is sworn at any point during the hearing, that person continues under oath.

I think we did make it clear the other day that the subpenas were in effect. And on—we base—and on that basis we requested the appearance of the witnesses this morning. However, counsel, you may certainly raise that or any other issue that you feel is relevant. We want to give the witnesses and their counsel every opportunity to get before us the matters that you think should be before us, before we make what obviously is an important decision.

We want all the help that we can get.

Ms. Hicks. Mr. Chairman?

Chairman Flemming. Yes.

Ms. Hicks. May I respectfully request of this Commission before its hearing is closed, that you would invite or that you would subpena Dr. James Coleman, who is actually the founder and the father of the theory of forced busing of schoolchildren, who has now reversed his opinion and is now stating that forced busing will not work, and when it does work only works to the detriment of the city or its school system?

Chairman Flemming. We'll certainly take that under consideration.

Ms. Hicks. Thank you, Mr. Chairman.

Chairman Flemming. Thank you all very much.

Yes.

Mr. Galvin. Mr. Chairman, I have one point of order I should cover. With reference to the timing of the briefs and so forth, is it correct to assume that the timing will commence to run after we have the transcripts that we have just alluded to?

Chairman Flemming. Would you be willing to discuss that with our Counsel and let's see if you all can reach a meeting of minds on it. If you do, we'll—

Mr. Galvin. Also, I think Your Honor—Mr. Commissioner—Chairman, it's important that we understand, the transcript that I would need to protect my client, and I'm sure this Commission wants my client's civil rights protected—

Chairman Flemming. We do. That's what we're—

Mr. Galvin. —would be not only his testimony, the transcript of the testimony of him personally, but the transcript of any other witness before this Commission, public or in executive session, which alludes to or is the foundation for the numerous questions put by Counsel to my client.

Chairman Flemming. All right. If you—who is going to conduct these discussions? Are you?

Mr. Glick, our Acting General Counsel, will meet with the attorneys and discuss these matters.

I might say for the record that we have heard no one in executive session in connection with this public hearing. Sometimes we do, but we have not in this case.

Mr. Dinsmore. Mr. Chairman, the point raised by Attorney Galvin as to further transcripts is very, very important. But I would add one more thing to that: Because we have not been a party to the proceedings during the entire period of time that you've been in session, we would also ask that if there is in the course of the entire transcript, testimony offered by an individual or individuals concerning any of the clients that are before you today, that we also get an opportunity to get a copy of that portion of the transcript.

Chairman Flemming. Please discuss that with our Acting General Counsel. I feel that the lawyers involved can probably reach agreement on these points. If they can't, why we'll have to make a decision, but if you do, then that will be reported back to us and we'll make it a part of the record of the hearing. Thank you all very much.

Mr. Dinsmore. Thank you, sir.

Chairman Flemming. I'll now call Mr. William White for the purpose of providing us with a brief summary—may I underline brief, in view of the time factor—of the staff report for this part of our public hearing, which as many people know, is developed—devoted to the whole area of law enforcement.

Mr. White. Thank you, Mr. Chairman.

For purposes of the record, my name is William White, Assistant Staff Director for National Civil Rights Issues.

The implementation in September, 1974, of the court-ordered desegregation plan, was accompanied by disturbances in some Boston communities and schools, particularly South Boston. Local and then State law enforcement agencies became involved in attempts to maintain order and protect the safety of community residents and students.

The Boston Police Department had the primary responsibility for law enforcement during this period. The department initially adopted a low profile and concerned itself with external safety matters such as bus route logistics, traffic rerouting, and prevention of false fire alarms. No plans were developed for internal security at the schools. The department's tactical control force, specially trained and experienced in crowd control, quickly became a critical component in the Department's law enforcement efforts.

In view of the great pressures on the police department, the mayor, on October 7, 1974, requested the Federal district court to order the assistance of Federal marshals. The Department of Justice, however, argued against assigning marshals to Boston, on the grounds that local authorities had not used all law enforcement available to them.

The Governor then ordered at the mayor's request the State police and the metropolitan district commission police to assist in restoring order in Boston. The State police, who have riot control training and experience, and possess statewide police jurisdiction, were assigned by the Boston Police Department to provide both internal and external protection for nearly all South Boston schools. The metropolitan district police, normally responsible for protection of State recreational facilities, some State roads and public utilities, initially aided the department in controlling pedestrian crossings and bus stops and escorting buses into South Boston, and later, in building security at one South Boston school.

The Massachusetts National Guard, while it also has training in riot and crowd control, is untested in such situations. The Guard units, including the military police, special weapons and tactics and other special teams, were mobilized for 5 weeks during—starting in mid-October, and remained on a standby basis until November, 1974.

Most of these law enforcement units have low minority representation. Some efforts have recently begun to increase minority employment within these agencies.

Chairman Flemming. Thank you very much.

Counsel will call the next witness.

Mr. Alexander. Raymond T. Galvin.

[Whereupon, Raymond T. Galvin was sworn by Chairman Flemming.]

TESTIMONY OF RAYMOND T. GALVIN, VISITING PROFESSOR, ADMINISTRATION OF JUSTICE DEPARTMENT, UNIVERSITY OF MISSOURI (ST. LOUIS)

Chairman Flemming. Thank you, and we're very happy to have you with us. We apologize for the delay.

Mr. Alexander. Could you for the record state your name, address, occupation, any titles you may carry?

Mr. Galvin. Raymond T. Galvin, 4641 Park Orleans, Bridgeton, Missouri. I'm an associate professor in the School of the Administration of Justice, University of Missouri, St. Louis.

Mr. Alexander. Could you briefly detail for us what your experience in the field of law enforcement and criminal justice has been?

Mr. Galvin. For 11 of the last 14 years I've taught either police administration or the administration of justice at four universities. I served for a 2-year period as the administrative assistant to the chief of police in Oakland, California. I've also held a number of research grants in the general area of police administration. I've served as a consultant to the President's Commission on Law Enforcement and Administration of Justice, the President's Commission on Campus Unrest, and the National Commission on Productivity.

Mr. Alexander. Are you familiar with the Boston Police Department?

Mr. Galvin. I have a familiarization with it.

Mr. Alexander. What research have you done here?

Mr. Galvin. I've had two direct contacts with the police department in the last 3 years. One was as a visitor on an organizational change study for—under an NIMH grant, and the second as a consultant to this Commission.

Mr. Alexander. What has been the nature of your recent research?

Mr. Galvin. I was asked to look into the police response to the desegregation of the schools in Boston.

Mr. Alexander. Can you give us a general picture of the Boston Police Department for background purposes: personnel, organization, jurisdiction, and so forth?

Mr. Galvin. The Boston Police Department is one of the oldest law enforcement agencies in the United States. It can trace its beginnings to the establishment of a watch and ward system under town selectmen in 1636. The law—this law enforcement structure prevailed until its incorporation as a city in the early 19th century.

The modern police—Boston Police Department dates to the mid-1850s when the day watch and night watch were consolidated into a single operational agency.

Over the years the department has been variously controlled. Originally it was under, as I say, the mayor and aldermen. The mayor appointed a three-man mayorally appointed commission in 1788—pardon me, 1878. There was a gubernatorial commission in 1885, a single commissioner appointed by the Governor in 1906, and finally the commissioner was appointed by the mayor in 1963.

These changes resulted from operational and political questions, but basically political questions governed.

With few notable exceptions, the Boston Police Department possesses a reputation as a traditional organization. Its methods of patrol, records keeping practices, and general administrative style follow time-tested patterns with few successful attempts at innovation being recorded.

The department seems to have a tendency to solve its problems by increasing its manpower, rather than organizational or operational realignment. Even today, the department's 2,835-man authorized strength—I should note that the department actually has somewhere around—about 2,500 personnel presently aboard—make this the 8th-largest police department in the country, while the city ranks 16th in population, according to the 1970 census.

Further, it has four policemen for every thousand inhabitants, as opposed to an average ratio of 2.9 per thousand for other cities in its population range.

The Department's sworn personnel are also on the average considerably older and have longer experience. The average age is 45.5 years of age, with around 17 years of experience. Similar agencies have an average age of 35, with 10 years of experience.

The turnover rate in the Department is about 3.2 percent, which is less than half the rate of other surveyed departments.

The vast majority of Boston police are of Irish Catholic descent. The department has approximately 114 minority officers, including 90 blacks, 8 Spanish speaking, 31 policewomen, and 3 Chinese. There are 9 black policewomen officers. The department's statistics indicate there are about 120 minority officers, but they do count the black women in two categories, so that's the 114.

Boston's populace's view of their police department is probably typical of that commonly found across the country. There is some general support, a limited amount of fervent opposition, built around a great deal of public apathy. Historically the department has had to overcome public impressions created by the great police strike of 1919, occasional corruption scandals, and police clashes with blacks and students during the civil rights demonstrations of the fifties and sixties, the riots of the sixties, and the anti-Vietnam War demonstrations of the late sixties, and early seventies. These events, along with the relatively low profile of the previous police administration, resulted in a varied but generally apathetic approach to the police suggested above.

A little over 2-1/2 years ago, Robert di Grazia, a Californian, via St. Louis County, Missouri, Police Department, assumed command of the Boston Police Department as its commissioner. He undertook an extensive program to reform—of reform, attempting to mold the department according to his image of a progressive, professional police department. While he received a high level of support from the city's administration in these efforts, he encountered suspicion, and even outright opposition from the members of—from quarters both within and without the department.

Di Grazia is generally popular in the public sense, or at least well-known in the city. His leadership style involves seeking public support through public exposure. He constantly meets with the police and press—pardon me—with the public and press, in an effort to determine community needs and to develop a consensus for his programs. There can be no doubt that he has been successful in this area.

The level of the commissioner's success within the department is less clear. Early on he decided there was a need to realign the department's organizational structure in terms of command personnel. This process has been continuous, with the most recent structural changes being put into effect in early 1975.

The commissioner has often expressed his early dissatisfaction with the administrative and supervisorial skills of the department. As a result there has been an extensive turnover in the superintendents and deputy superintendents, with retirements and transfers being fairly common. Indeed, the present superintendent-in-chief was selected during the summer of 1974, in the midst of the preparations for Phase I.

Such a rapid series of changes is bound to be unsettling and some cause for consternation in the ranks. But the present group are now di Grazia's appointments, and certainly stability in command may now be possible.

In another move to increase administrative talent available to the department, di Grazia hired civilians to serve as director of training and education, director of planning research, and staff assistant. Although these individuals were employed and paid under Federal grants, the hiring of civilians caused considerable controversy among sworn departmental personnel. While the furor within has subsided somewhat, in May of 1974 the council attempted to eliminate the positions of the "whiz kids" by striking their jobs when approving the city's law enforcement assisted administration funds. Only a veto by Mayor White allowed the commissioner to keep these employees on the payroll.

The council, however, has—has however vowed to continue the effort to eliminate these jobs. "They're running the police department," is the quote, "And I don't think that they are running it right."

However, probably the most significant public controversy over di Grazia's reform has been the constant disagreement between the commissioner and the Boston Police Patrolmen's Association. As a result of what may—many feel—many patrolmen felt to be unfair charges of brutality and arbitrary discriminatory practice—arbitrary and discriminatory personnel practices, the BPPA was founded in 1965. In 1967 a representative election was held with the BPPA becoming firmly established as the official representative of all Boston patrolmen.

The resultant contract negotiated over the next few years is one of the strongest union agreements to be found in police circles, and it became a serious bone of contention between the BPPA and Commissioner di Grazia. During his 2-1/2 years' tenure, the commissioner and the BPPA have continuously been at odds over contract interpretation, with numerous disagreements being presented to the Massachusetts labor commissioner and the courts for resolution.

At the center of the debate is di Grazia's contention that the association is engaged in harassing his plans for reform, particularly his need for flexibility in making new assignments to meet every changing community need. From their perspective, the BPPA sees di Grazia as violating the contract and attempting too the return to the old, arbitrary, and capricious assignment practices.

Another issue currently under discussion is directly related to di Grazia's attempt to improve supervision by promoting approximately 75 patrolmen to the rank of sergeant. In an effort to improve the quality of those promoted, the selection process was revised. Part of the new procedure was an oral examination. This was the first oral—the first time an oral had been utilized in the sergeant selection process.

The BPPA has gone on—gone to court to challenge the objectivity of the particular oral given, and while a temporary injunction has been dissolved, more litigation is expected.

Now, I'd like to briefly run through the incidents that we consider in terms of the desegregation situation the most important in terms of the police. Later on in the day I will talk about the planning and training efforts that occurred during the summer, so I'd like to start, basically, with the—go ahead—okay—I'd like to start basically with two administrative decisions that were made early on.

One was the decision for low visibility, which was referred to in the staff report, and the second was the decision to maintain the same level of policing and police service within the city during the desegregation process. This involved a decision to make all desegregation assignments, or at least the majority of desegregation assignments, overtime. All policing done for the desegregation operation—let's say most, the vast majority, was done on an overtime basis.

There were a number of specific planning efforts that took place. The most early occurred right before Judge Garrity's order on June 21, and that was the formation of the Kiley planning group, and I believe you've talked to Mr. Kiley, so I won't go into any detail there. The police were part of that process.

Out of that process came a very specific planning document, which was related to the deployment, if you would, of students for the fall: the number of students to be bused, the schools to which they would go, and the pickup points. That document became the basis of a manning study that was carried out at the lower levels. I don't mean lower levels, but at the level of hierarchy of captain and deputy superintendent in terms of original plans for manning, and that was then sent up through the ranks and coordinated by Superintendent-in-Chief Jordan, and you'll be talking to him later on.

In terms of other planning sessions, there were little city hall meetings, there were planning sessions held basically by the command staff of the police department, and we will talk about these again later.

Probably the—one of the more noteworthy and controversial issues that occurred during the summer was a letter from the BPPA to the Judge Garrity requesting a clarification of what they saw as confusion as to rights of police officers in making arrests for violation of a Federal court order. I believe that's a fair statement. You'll have the officials involved discussing that issue.

The judge ruled against this and ordered the BPPA to tell their people to follow the instructions of their command personnel.

On September 12, school opened. And the general plan was to have low visibility throughout. A limited number of police officers, for instance, were at South Boston High. These people were not dressed in riot regalia in any way. There were—if there were any officers inside the building, they were probably the community relations officers and juvenile officers, but no strength within the building.

Commissioner di Grazia can tell you his own story on this. When he arrived he found circumstances that he felt that low visibility was no longer in effect, should be no longer in effect. There were early moves to bring in additional officers, or at least to move the TPF, the tactical patrol force, from where it was stationed at White Stadium, move it in closer, so it could be used if needed.

By Monday—the opening was on a Thursday—by Monday the TPF had assumed responsibilities for crowd control in South Boston.

A second major event that brought the police into the schools was associated again with the South Boston High. There is a famous spaghetti-throwing incident. I don't know if it's been referred to in here. In the lunchroom at South Boston High a disturbance started to occur in which trays were thrown. A police officer who was inside was in—was in the middle of this process, and he called for assistance to quell the disturbance. And from that point on, there at least was serious consideration of bringing police officers into the high schools.

On October 7 occurred the Jean Louis incident, where a black Haitian was pulled from his car and suffered a very severe beating at the hands of the crowd, which was associated, or which was breaking up after a demonstration in front of one of the desegregated schools.

The next incident was probably the same day, whereby the judge took under advisement the mayor's request for 125 Federal marshals. On the 9th of October the judge ruled against that, ordering the mayor to request assistance from the State before he used up his possibilities of coming to the Federal Government. He was ordered to request originally the State police, and MDC, which is the metropolitan district police, and eventually the National Guard, and when he had used up those options, if he still had a problem he could come back.

Under those circumstances the State police moved into South Boston. They moved in on the 10th, with approximately 300 officers, and assumed the basic policing of desegregation responsibility within the South Boston area along with 100 officers from MDC. The MDC officers had the responsibility for an annex of the South Boston High School that had approximately 100 officers. Up to that time they had committed about 25 officers as part of the regular responsibility.

Commissioner Rankin. Were they getting overtime for this?

Mr. Galvin. Who?

Commissioner Rankin. The police.

Mr. Galvin. The State police?

Commissioner Galvin. I thought—yes.

Mr. Galvin. The State police were here on assignment. The assignment was such that it was necessary to pay them considerable overtime because it was well beyond an 8-hour operation. They weren't on all overtime. In other words, this was a regular assignment. And I believe—I don't know the answer to the question on the MDC.

The city police left behind a contingent of officers over the time in South Boston High School because of a number of requests from the black community to have black officers available, and because it was necessary to maintain some presence in the South Boston area. They did perform, of course, the regular police responsibilities in South Boston. I don't want to infer that in any way. They had their normal forces there. These State police and MDC were to be used strictly for desegregation policing. They moved inside and outside the—outside of the school.

I believe the next event of—all during this period there were, of course, demonstrations at a number of schools. It—the pattern seemed to be that most of the major problems outside the schools were at South Boston, and there were large difficulties and a considerable amount of difficulty in Hyde Park High School inside, occasional difficulties at Roslindale. This sort of pattern I think will come out from the officers involved.

Mr. Alexander. Thank you, Professor Galvin.

Professor Galvin will be returning later in the schedule with another presentation and for questioning at that time.

Chairman Flemming. Thank you very much. We'll look forward to your return and having the opportunity of questioning you.

Counsel will call the next witnesses.

Mr. Alexander. Chester Broderick, John Bilodeau, John Wells, and Frank Olbrys.

[Whereupon, Chester Broderick, John Bilodeau, John Wells, and Frank Olbrys were sworn by Chairman Flemming.]

TESTIMONY OF CHESTER BRODERICK, CHAIRMAN, BOSTON POLICE PATROLMEN'S ASSOCIATION; JOHN F. BILODEAU, TACTICAL POLICE FORCE, AND VICE CHAIRMAN, BOSTON POLICE PATROLMEN'S ASSOCIATION; JOHN WELLS, PRESIDENT, MASSACHUSETTS ASSOCIATION OF AFRO-AMERICAN PATROLMEN; AND FRANK OLBRYS, DETECTIVE, COLUMBIA POINT

Chairman Flemming. Thank you very much. Happy to have you with us.

Mr. Alexander. Officer Olbrys, we will start with you. Would you state for the record your name, occupation, and title.

Mr. Olbrys. Frank J. Olbrys, juvenile officer attached to District 11 of Boston police.

Mr. Alexander. Officer Wells?

Mr. Wells. Patrolman John Wells, Boston police officer, tactical police force, detailed information services.

Mr. Alexander. Officer Broderick?

Mr. Broderick. Chester J. Broderick, chairman, Boston Police Patrolmen's Association.

Mr. Alexander. And what is your status within the police department? Patrolman?

Mr. Broderick. Patrolman.

Mr. Alexander. Thank you. Would counsel identify himself, please?

Mr. Magee. Yes. My name is Frank Magee. I'm an attorney here in Massachusetts and I represent the Boston Police Patrolmen's Association.

Mr. Alexander. Thank you. Officer Bilodeau.

Mr. Bilodeau. John F. Bilodeau, Boston police officer, vice chairman, Boston Police Patrolmen's Association.

Mr. Alexander. Thank you. Starting with Officer Broderick, could you—you identified yourself as the chairman of the Boston Police Officers' Association; is that correct?

Mr. Broderick. That's correct.

Mr. Alexander. Could you briefly describe to us the structure of this organization and explain to us its function?

Mr. Broderick. We represent approximately 2,100 patrolmen in the city of Boston. We have a 54-man house of representatives, elected at the various districts and units. The membership elected the chairman and vice chairman, and also the secretary and treasurer.

Mr. Alexander. How long have you been in your position?

Mr. Broderick. Approximately 3 years.

Mr. Alexander. And did you occupy a position before that?

Mr. Broderick. I was the vice chairman of the association for approximately 221/2 years, and prior to that I was a representative from District 6 in South Boston since the Association's inception. And also chairman of the grievance committee for about 2-1/2 years.

Mr. Alexander. Has the BPPA taken a position on school desegregation in Boston?

Mr. Broderick. The patrolmen's association?

Mr. Alexander. Yes, sir.

Mr. Broderick. No, it hasn't.

Mr. Alexander. Have any positions been espoused by yourself personally in your publication *Pax Centurion*?

Mr. Broderick. The first amendment protection concerning freedom of the press applies to the *Pax Centurion* as well as to *Boston Globe*, and all copies of the *Pax Centurion* have been made available to the court and this Commission. Therefore matters of editorial policy and judgment are privileged, and I respectfully decline to answer any questions regarding the *Pax Centurion*.

Mr. Alexander. At this point in time I'd like to enter into the record as an exhibit copies of the *Pax Centurion* in the Commission's possession, which, of course, are a matter of public record.

Mr. Magee. May the record reflect also that these copies were made—

Mr. Alexander. Voluntarily.

Mr. Magee. —voluntarily by our union.

Mr. Alexander. Yes. That is quite correct.

Mr. Chairman?

Chairman Flemming. The request has been made that these copies be entered in the record at this point, and without objection it will be done.

Mr. Alexander. Thank you. Officer Wells?

Mr. Wells. Yes, sir.

Mr. Alexander. I understand that you're currently the president of the Massachusetts Afro-American Association of Patrolmen. Is that correct?

Mr. Wells. The correct name, sir, is the Massachusetts Association of Afro-American Policemen. Yes, sir, I am.

Mr. Alexander. Could you tell us what the nature of that organization is?

Mr. Wells. Yes, sir. It's an organization of minority police officers who are law enforcement officers within the State of Massachusetts.

Mr. Alexander. How long have you been an officer with the Boston Police Department, Mr. Wells?

Mr. Wells. I'll have 8 full years February 14 of 1976.

Mr. Alexander. Thank you. Were you an officer during the disturbances of the sixties referred to by Professor Galvin?

Mr. Wells. Yes, sir, I was.

Mr. Alexander. Were you within the black community at the time of the racial unrest?

Mr. Wells. Yes, sir, I was.

Mr. Alexander. Did you, from a moral or a personal position have any problems with enforcing the law at that period of time?

Mr. Wells. I enforced the law as a law enforcement officer. But as a moral issue I did suffer quite a bit of criticism from community people, yes.

Mr. Alexander. Do you feel that other black officers were in similar positions?

Mr. Wells. Yes, sir, I do.

Mr. Alexander. Do you feel that they as a group felt that it was their obligation to fully enforce the law in that situation within their community?

Mr. Wells. Yes, sir.

Mr. Alexander. Although it did present personal problems to you; is that correct?

Mr. Wells. Yes, sir.

Mr. Alexander. Thank you. Officer Olbrys—

Mr. Olbrys. Yes, sir.

Mr. Alexander. —where is your normal duty station?

Mr. Olbrys. District 11, which would cover Dorchester and the Columbia Point area.

Mr. Alexander. Were you on duty the first day of the opening of school this past fall?

Mr. Olbrys. I was, sir.

Mr. Alexander. And where was—where were you?

Mr. Olbrys. My assignment on that day was the McCormack School, located at 325 Mount Vernon Street in the Columbia Point section of the city.

Mr. Alexander. The McCormack School is within the Columbia Point part of this area.

Mr. Olbrys. Yes, sir. Yes, sir, it's right in—

Mr. Alexander. Could you briefly describe that area for us: the racial makeup, the physical housing condition, and so on.

Mr. Olbrys. Well, it's an area—to get into Columbia Point there is only one access road. Now, it's—the structures are seven-story brick structures. We also have a small amount of three-story brick structures. The schools—we have two schools in that area. We have the John McCormack and we have the Paul A. Dever. Now, the John McCormack is a relatively new school. Also the Dever.

At this time at Columbia Point the racial—I would say at this time would be pretty close to about 75 percent black and maybe, say, 20 percent, because at this time, at this moment, as of this day, they are in the process now of renovating that Columbia Point, so naturally there are not that many people living at Columbia Point at this time. On that day in question, I'd say those were about 75-20.

Mr. Alexander. Is that an area normally in your duty station that is a high tension area, fairly high crime area?

Mr. Olbrys. Yes, it is, sir.

Mr. Alexander. How many other officers were assigned with you at the McCormack School at the opening of school?

Mr. Olbrys. Well, on that particular day I was assigned—I was there by myself. I was assigned to the school by myself. There were other officers there in the area in the respect that they were the housing authority officers that were outside the school area.

Mr. Alexander. Were children in the Columbia Point area placed on school buses and taken out of the community?

Mr. Olbrys. Yes, sir, they were.

Mr. Alexander. Were there any incidents during the boarding of school buses?

Mr. Olbrys. That morning, no, sir.

Mr. Alexander. Did parents come down to the school buses?

Mr. Olbrys. Yes, sir.

Mr. Alexander. What was—what role were they playing when they came down?

Mr. Olbrys. Just to make sure that their children boarded the buses, that they were the right buses. Naturally their was some confusion. First day some children didn't know what buses to board, so the parents were there to more or less oversee the operation of their children boarding the buses. And then they just watched as the buses left the Columbia Point area.

Mr. Alexander. When the buses returned, what was the condition of the buses?

Mr. Olbrys. Well, on the return of the buses, I was standing at the corner of Mount Vernon and Monticello Avenue. Now, I had known actually that there had been trouble in South Boston, because at the time I had a walkie-talkie radio, and I was listening to it.

Now, when the buses first came into the Columbia Point project, the first bus was—my first observation was bus 1, and when this bus came in I saw the right—looking at the bus, the right side of the bus, I observed windows had been smashed.

Mr. Alexander. How many of the windows, sir?

Mr. Olbrys. I observed on this—the first bus, if I remember correctly, three windows. There were three broken windows.

The buses then came to the point of—to my point. At this time the people, naturally the family of youngsters were across the street. There was a large number of people there. There were community workers, there were YAC workers, naturally myself, and other people. Now, when this bus came to a—well, it didn't come to a halt. As it was proceeding through the intersection there the people on the sidewalk rushed towards this bus, namely your community workers.

At this time the bus had to stop. There was a large amount of people blocking the path of the bus. The bus then stopped. People rushed to the doors of the bus. Now, the doors were opened by the driver. I saw—the first youngster I saw was a male. His left elbow—I saw there was blood on his left elbow, fresh blood. There was another youngster in back of this youngster also bloody.

At this time I tried to gain control of the workers and residents. I tried to push them away from the bus, because there were so many people that rushed to the bus, the children couldn't get off. The children that were on the bus, now, at this time, panicked. Some started crying. I heard profanity. Children. "They were going to kill our children."

At this time there was—the worker beside me, I said, "Please, now just get these people back. I want these youngsters taken over to the health care center—"

Mr. Alexander. A worker from what organization?

Mr. Olbrys. One of the community workers. I said, "I want—take the youngsters to the health care center." I said, "Get them away from the area."

They were then taken to the health care center by one of the workers and some of the people there in the area.

Then the youngsters proceeded off the bus. Now, at this time, the other buses came in, and it was the same. As each bus came in people would rush to the bus, rush to the doors, and—

Mr. Alexander. Were the other buses similarly damaged to the first one?

Mr. Olbrys. Well, the second bus I saw, I saw a back—no, it was a side window. No, it was a back window, near the emergency door. I did see that there was a crack in the window, yes.

These youngsters as the bus proceeded into the project, the youngsters were taken off. The youngsters, naturally, were in a panic because some of the leaders were in a panic, and as I said earlier, I had heard profanity. Now—many other officers were there aside from yourself?

Mr. Olbrys. Well, at this time I was still alone. Now, as the third—I'd say as the third bus came in Sergeant Reagan of District 11 came to the area. Now, as the sergeant came into the area he could see the condition of the area, and we conversed and as a result of that conversation a couple of sector cars were called to the area.

Mr. Alexander. How large was the crowd at the time?

Mr. Olbrys. Well, at the time I gave a crowd estimate at—I'd say 500 males, females. I'd say a crowd of about 500.

Two more—two sector cars were called right to the scene. Two sector cars were called to go to the Bayside Mall and perform standby duty.

Now, when the two sector cars came into the project, what we did was this. I had a conversation with workers there. There was other conversation. There was yelling that the white kids are going to be let out of the McCormack School. Now, "We're not going to let them out." There was talk of "We're going to overturn the buses. We're going to burn the buses."

At this time I went and I conversed with certain leaders and informed these leaders that the children in the McCormack were like the children that came into the project: innocent of what was going on that day. We had two children that were hurt, that were cut. Naturally the children in the McCormack weren't, but to not to let them out of the McCormack onto their buses to be bused back to their homes, I told certain leaders, "You know what would happen. You know what would be said. You know what has happened here in the past, and you know what people would say." I said, "At this time there is a large crowd of people here. There is talk of violence. We either stop the violence here at Columbia Point today and let these buses out. If we don't, this violence, if this violence breaks out here, God only knows what's going to happen to Columbia Point and our city."

Mr. Alexander. These leaders that you're referring to, these were black leaders within the Columbia Point area or other leaders, white leaders?

Mr. Olbrys. No, they were black leaders, yes.

So with that, the people, with their help we did get the people back on the sidewalk. They were told to let these buses out, and these buses, the buses, the children were loaded onto these buses. The buses proceeded out of the McCormack School onto Mount Vernon Street and out of Columbia Point without incident. I stood by at the intersection with some of these leaders. The officers in the two sector cars that were called in stood by, and these people just glared at the buses as they left the project, but there was no—no incident whatsoever.

Mr. Alexander. How do you explain the success of what amounts to one and then three police officers, I think, from what you said, in containing a crowd of 500 persons? What are the factors involved in that, Officer Olbrys?

Mr. Olbrys. Well, let me say this: I've been at District 11 now, a juvenile officer there for 9 years. I—these people at Columbia Point, I know these people personally. Some of these people are—I could almost consider to be friends of mine. So with that, there was a mutual trust. I trusted them; they trusted me. If I said I was going to give them a cup of coffee, they knew I would give them a cup of coffee. As simple as that, sir. It was just the trust and a knowledge of the area and of the knowledge of the people, of them and of me. And—

Mr. Alexander. Thank you, officer.

Officer Bilodeau, where were you on the opening day of school, and in what capacity?

Mr. Bilodeau. I was in front of South Boston High School in the capacity as an observer for the Boston Police Patrolmen's Association.

Mr. Alexander. From your professional point of view, what was the nature of the planning in the operation you saw the opening day of—at South Boston High School?

Mr. Bilodeau. Well, I'm not familiar with any planning on the opening day, but the operation was to hold the crowd back and keep them as far away from the school as possible.

Mr. Alexander. How many police officers did you see in attendance early in this day?

Mr. Bilodeau. In attendance in the immediate area of the school I would say 100.

Mr. Alexander. What time was this?

Mr. Bilodeau. I believe I arrived there before 9 o'clock. Between 8:30 and 9 o'clock.

Mr. Alexander. Did you also tour other parts of the city during the opening day of schools?

Mr. Bilodeau. Not during opening day, no.

Mr. Alexander. In the first week or so?

Mr. Bilodeau. For the first week, yes.

Mr. Alexander. Did you go to the schools, the neighborhood schools where your own children were attending?

Mr. Bilodeau. I did, sir.

Mr. Alexander. What type of police presence did you see there?

Mr. Bilodeau. I saw absolutely none, and I raised an objection to it.

Mr. Alexander. What community was this?

Mr. Bilodeau. That's in the Roslindale, the Washington Irving School.

Mr. Alexander. Did you believe there was at that time a need for police presence?

Mr. Bilodeau. Most certainly. My daughter came home from school and she was frightened to go there.

Mr. Alexander. Officer Broderick, where were you on the opening day of school?

Mr. Broderick. I was with Officer Bilodeau.

Mr. Alexander. Did you also, on the opening day of school, tour other parts of the community other than just South Boston?

Mr. Broderick. Yes, we did.

Mr. Alexander. Could you just relate to us some of the areas of the city that you toured?

Mr. Broderick. Well, we left South Boston High School one day, early in the desegregation, and we proceeded to Hyde Park High School, where there was quite a disturbance or riot or what have you. And from Hyde Park High School the same day we proceeded to the Lewenburg School in Mattapan where there was a demonstration or an attack on the school.

From there we were proceeding—

Mr. Alexander. What was the police presence at the Lewendale School?

Mr. Broderick. When we arrived there there were a number of policemen that were called to the area, approximately—I don't know. I think I saw about 40 or—

Mr. Alexander. That were called into the area? Had they been there prior to the disturbance, to your knowledge?

Mr. Broderick. I don't know how many were there prior to the disturbance.

Mr. Alexander. Thank you.

Mr. Broderick. We arrived with the TPF, who were called there from Hyde Park High School. How many were there, I don't know.

Mr. Alexander. Returning to Officer Bilodeau for a moment, the police that you saw at South Boston High School, were these regular officers stationed in South Boston? Were these members of the TPF, or—which unit in particular were you referring to?

Mr. Bilodeau. Well, there were many officers in South Boston, but the immediate area of the high school was tactical patrol force.

Mr. Alexander. In relation to your request for police presence in Roslindale, what was the response, and whom was that request made to?

Mr. Bilodeau. I had conversation with the captain. I believe his name is McDonald, of District 5. He assured me that there were officers there. I said I was aware that there were, but they were sent away from the school to sit on their own private motor vehicles by a schoolteacher. And I objected to that. I said that my daughter was instructed to go to a police officer, and they objected to the police officer acting on the request of that particular school teacher. And he said that problem would be corrected, and the presence of a police officer would be made.

Mr. Alexander. In your professional opinion, do you believe—where do you believe the responsibility for making the decision in terms of police presence at a particular high school rests: with school administrators or with the police department?

Mr. Bilodeau. I believe that it rests with school administrators and the police department, certainly not a schoolteacher who just decided he didn't like the presence of a police officer.

Mr. Alexander. In your—both Officer Bilodeau and Officer Broderick, in your tour during the first week, which section of the Boston Police Department did you observe being utilized most heavily in the school desegregation matters?

Mr. Broderick. The TPF.

Mr. Alexander. Do you believe that that was appropriate?

Mr. Broderick. No. Particularly in that one day there was a demonstration at South Boston High School. A call came in shortly after that there was a riot at the Hyde Park High School, they loaded the same men onto trucks and buses and rushed them out to Hyde Park High School. After that demonstration was quelled there was a call came in this was being quelled that there was another demonstration, a riot, a disturbance at the Lewenburg School. The same officers were rushed there.

From there, while we were there, there was a call that the people were stoning buses carrying children in Mattapan Square, and it was on to Mattapan Square, the same officers. And it was while we were going to Mattapan Square that Officer Bilodeau and myself, riding in a private vehicle with a reporter from one of the news stations, observed a gang of about 20, 25 youngsters gathering up rocks, bottles, what have you, from a vacant lot adjacent to a school that—where kindergarten children. I think it goes up to the third grade.

And as we were going to Mattapan we saw that and we stopped the—we asked the reporter to stop his vehicle. We were in civilian clothes. We immediately pinned our badges on and broke up this group. As we broke up the group we saw the children—and this was quite late in the afternoon, by the way—we saw the children being carried—taken out of the school and being placed on buses, some children so small that they had to be lifted up to the steps.

As we identified ourselves to the principal of the school and asked him—I asked him where his police protection was. He said it wasn't necessary, they did not need any police protection. And then I related to him the incident that we were just involved in, which was in his view, and as we were relating the incident, one of the other teachers there, a black teacher, she objected strongly to the principal's telling us that there was no need of police officers at that school, because she informed us that the reason the children were getting out of school so late was that three of the buses that attempted to pick them up were completely destroyed by possibly the same gang, and the buses had to be returned to the shop and new buses come upon the scene.

The principal still insisted he did not need police protection for those children.

The following day, Officer Bilodeau and myself—excuse me. I'm getting ahead of that.

As we returned to the reporter's car the reporter phoned in that story to his newsroom, giving the entire details as to how he, along with Bilodeau and myself had broken up this gang and informed the principal and so forth, and as to the principal's remarks.

Approximately 15 minutes later, he was called by his newsroom and was informed in my presence, as well as Officer Bilodeau's presence, that the mayor's rumor officers did not want that story out, and therefore they killed it.

Mr. Alexander. Officer Broderick, getting a little back to the original import of the question, was it your observation that most of the—in a sense—crisis work done in the opening weeks of school was done predominantly by the TPF units?

Mr. Broderick. Yes.

Mr. Alexander. Do you believe that the other officers in the police department could have fulfilled that function?

Mr. Broderick. I do.

Mr. Alexander. Would there be a need for any specialized training for those officers to provide that service?

Mr. Broderick. I think—as far as the training goes, I think all police officers in the City of Boston are adequately trained to—for crowd control.

Mr. Alexander. What was the BPPA's involvement in the planning for the law enforcement efforts for desegregation?

MR. BRODERICK. At our insistence, a meeting was finally held—an approximately 45-minute meeting was held at city hall, and in attendance was Deputy Mayor Kiley, Superintendent Russell, attorney Jan Sullivan from the mayor's office of labor relations, I think—I believe attorney Robert Holland from the mayor's office of labor relations, myself, Officer Bilodeau, attorney Magee—

MR. ALEXANDER. What was the major issue of concern to the BPPA?

MR. BRODERICK. Well—and by the way, this was after—this was held in late August.

MR. ALEXANDER. Yes.

MR. BRODERICK. We had been insisting for months that police officers be informed as to pertinent details, as far as the deployment. We were concerned primarily with contract violations, and we had hoped that the department would sit down and outline to us what their plans were in the area of deployment, overtime, whatever the case may be, as far as the contracts go.

MR. ALEXANDER. Professor Galvin in his opening statement referred to a specific issue that you had communicated to the Federal district court on. Could you explain to us what the problem you perceived was?

MR. BRODERICK. Well, we had requested the police department—where we were involved with demonstrations in the past, particularly around this building, with antiwar demonstrators and particularly where the police department does not provide defense attorneys for officers who are accused of police brutality. As you know, there are a number, a number of allegations to this during any type of demonstration. We felt that we had to have answers to certain questions, as, would the police department provide attorneys to defend these officers against these charges, and in most incidents—I think FBI statistics will show that in most instances, 98.2 [percent], the allegations are false. But where it costs the association a considerable amount of money in the defense of these officers, we wanted to know if the police department was prepared, either with Federal money, LEA [Law Enforcement Assistance] money, or so forth, to defend these officers.

We wanted to know what the rights of arrest would be in the case of being called into a school.

MR. ALEXANDER. Could you specify that, what you mean by "the rights of arrest"?

MR. BRODERICK. Well, if an officer was called into a school, for example, if a mother was sitting there in a chair with her child and she felt that that seat was her child's seat, would the police officer have the right, the legal right, the lawful right to make an arrest? We were not sure.

MR. ALEXANDER. Had you ever raised that type of question previously? Had it been raised, for example, in any of the antiwar demonstrations, any of the demonstrations around this building that you referred to that—previously?

Mr. Broderick. No, they were not. Because it was outside, and it's clear what the law is on impeding the free flow of traffic, etc., entering a building and so forth. This was regarding on private property, school property.

Mr. Alexander. Within the school.

Mr. Broderick. Within the schools. There was a various number of questions. I don't have the letter here. You didn't ask for it or I would have it here, but I—this is going back, as I saw, prior to August, so my memory isn't, you know—

Mr. Alexander. Well, you have provided us previously—

Mr. Broderick. You have it, sir.

Mr. Alexander. With a copy of that letter, and I will request that it be entered into the record as an exhibit at this point.

Chairman Flemming. Without objection, it will be done.

Mr. Alexander. Now, what do you understand the response of the Federal district court to your letter to have been?

Mr. Broderick. I'll have to refer to my attorney on that one.

Mr. Alexander. Certainly.

Mr. Broderick. May I add just one further thing. We were also concerned with whether or not a Federal court order, if certain collective bargaining contract provisions appeared to be in conflict with a Federal court order, for the purposes of that order, does the section or sections of the collective bargaining contract fall, so to speak? We had in mind, for instance, we understood certain seniority provisions in teachers' contracts which apparently for the purpose of the court order were abated.

So we had the question as to whether or not—we had very specific shift schedules, for instance, in the collective bargaining contract, and we were concerned to whether or not in the face of this Federal court order, could the department arbitrarily, or whatever reason, make massive shift changes in contrast to the contract.

Mr. Alexander. The specific question, however, that I asked for a response on, was what was your understanding of the Federal district court's response to your inquiry?

Mr. Broderick. Well, we felt—we felt that Judge Garrity had ducked the issue. And his answer to us, as I understand it, was, "Follow instructions." And so we were still in the dark as far as we were concerned.

Mr. Alexander. Okay.

Officer Wells, where were you stationed during the opening of school, that first week or so?

Mr. Wells. I was stationed with the tactical patrol force. My first day was at White Stadium. I'm a K-9 officer, so I was stationed with the K-9 unit.

Mr. Alexander. Where were you shifted to from White Stadium?

Mr. Wells. To South Boston, sir.

Mr. Alexander. Did you remain in South Boston?

Mr. Wells. Yes, sir. We were deployed in the park area just behind the high school. K-9 unit.

Mr. Alexander. Did you remain in South Boston High School for the first month of school, or were you deployed to other schools from South Boston?

Mr. Wells. Well, we were deployed between South Boston High and Hyde Park High, sir.

Mr. Alexander. What was your function within Hyde Park High School?

Mr. Wells. Well, when I worked without the K-9, I was working with the regular TPF units, in and outside the high school. My function inside the school was to work the corridors.

Mr. Alexander. Did you ever receive explicit instructions within that high school to discharge your duties?

Mr. Wells. The only duties I was ordered was to go into the corridors as deployed by my supervisor. And work the high school as needed by my supervisor.

Mr. Alexander. Did you have any questions as to your authority to make arrests or to keep order?

Mr. Wells. No, I had no doubt in my mind what I would do.

Mr. Alexander. Okay. Just one final question at this time.

Starting with Officer Olbrys, in your opinion as a professional, to whom is your obligation in this school desegregation situation? What is the major obligation you have?

Mr. Olbrys. Well, as a police officer, naturally to preserve the peace and protect the children that are involved in this school busing issue, and also the adults who are involved in this issue. My main function in this as a police officer is to protect and preserve the peace of all concerned.

Mr. Alexander. Officer Wells?

Mr. Wells. Sir, as a sworn officer of the city of Boston, I have no doubt in my mind, as I said before, my job was to uphold the law and keep the peace.

Mr. Alexander. Officer Broderick?

Mr. Broderick. It would be the same.

Mr. Alexander. Officer Bilodeau?

Mr. Bilodeau. Preservation of the peace and protection of life and property.

Mr. Alexander. Thank you. Mr. Chairman, I have no further questions at this point.

Chairman Flemming. Commissioner Horn?

Commissioner Horn. I have no questions.

Chairman Flemming. Commissioner Freeman?

Commissioner Freeman. No questions.

Chairman Flemming. Commissioner Rankin?

Commissioner Rankin. I have just one or two.

Mr. Broderick, I believe you mentioned breaking up gangs. Were these adult gangs? Were they other students, or who composed—

Mr. Broderick. Oh, they were approximately 11 to 14 years old.

Commissioner Rankin. Did they do it on their own initiative, do you think?

Mr. Broderick. I would have no idea.

Commissioner Rankin. I know it would be hard. I recognize that's an opinion, but you do have a—Mr. Wells, can I ask you a question?

Do you have—you say it's difficult. Do you have difficulties being a black policeman in Boston? You have had?

Mr. Wells. Yes, sir.

Commissioner Rankin. Do they come from the whites or they come from certain blacks who call you "Uncle Tom"? Which is worse?

Mr. Wells. Well, I've received the term Uncle Tom from blacks and some on occasion from whites. I have found my job at times to be most difficult, but knowing my function as a law enforcement officer and my commitment to the field of law enforcement, I've stuck with it and I intend to make it my whole career, sir.

Commissioner Rankin. You're the head of a black police organization; that's correct, isn't it?

Mr. Wells. Yes, sir, I am.

Commissioner Rankin. Would you object to the whites organizing a similar organization?

Mr. Wells. I have no objections to anyone organizing anything.

Chairman Flemming. Commissioner Saltzman.

Commissioner Saltzman. A brief question.

Gentlemen, can you possibly express an opinion on what is the triggering point which transforms a legal demonstration into an illegal mob scene? Is there something that has triggered this in the past?

Mr. Olbrys. I can only answer for Columbia Point on the day in question. I can only say this: There were individuals present that had, as I would say, no business to be present there. They were there to incite whatever difficulties they could incite.

Now, these people are not community people. They were pointed out by community people. They were there to incite. They were there to incite violence on that day in question.

Commissioner Saltzman. So their presence is the triggering point you think?

Mr. Olbrys. I can only say on that day at Columbia Point, yes, sir, their presence that day, yes, sir, they caused considerable harm.

Commissioner Saltzman. Any other point of view?

Mr. Broderick. I think we have found that in most incidents of violence whether it be antibusing or just demonstrations around stores that you have in the crowd individuals and most often not from the community, who ferment the violence by some—a pregnant woman at every demonstration is always being kicked in the belly. That type of thing. She's at every demonstration.

So this is what you have, at least I have seen that.

Commissioner Saltzman. Can you comment on the quality of the relationship between black and white officers in the Boston Police Department? Is it friendly? Is it cooperative, or is there a sense of hostility and tension?

Mr. Broderick. Speaking for our association, I don't believe there is any tension or hostility. I think we have personally and organizational-wise a good relationship.

Commissioner Saltzman. Officer Wells.

Mr. Wells. Yes, at times I find it to be quite tense over issues that concern minority officers and white officers. And I feel that relationships could be much better and could be at a higher point and at times it has been tense; yes, I have it that way.

Voice. Can I add something to that?

Mr. Wells. Well, I haven't finished—

My feeling is that with the increase of more minorities on the Boston Police Department, we can hopefully improve the race relations between police officers and through the leadership of certain officers in organizations and the department, perhaps those goals can be accomplished, sir.

Mr. Magee. May I just briefly add something to that?

As the attorney for the association, we're the duly certified collective bargaining agents for all matters relating to wages, hours, and working conditions. And we represent all 2,100 of them. Unfortunately, we've been placed in a position in various court suits and labor charges in what appears to be taking positions which some of the black police officers are not satisfied with. But we're doing it.

We're as much opposed to reverse discrimination as we are opposed to discrimination. And so, some of the—we took a case to the courts on the question of priority in hiring females. That was misinterpreted quite a bit, and a variety of other matters which some people misinterpret.

But what we're trying to do is preserve the integrity of our contract and make sure that all patrolmen get all of their rights of protection as best we can do it.

Chairman Flemming. The Commission is grateful to the witnesses who have provided us with this factual material which is going to make it possible for us to have a better understanding of the developments in connection with Phase I as well as the planning for Phase II. Thank you very much for being with us.

Counsel will call the next witnesses.

Mr. Alexander. Joseph M. Jordan, Joseph P. Rowan, Charles Barry.

[Whereupon, Joseph M. Jordan, Joseph P. Rowan, and Charles Barry were sworn by Chairman Flemming, and testified as follows.]

TESTIMONY OF JOSEPH M. JORDAN, SUPERINTENDENT IN CHIEF, BOSTON POLICE DEPARTMENT; JOSEPH P. ROWAN, DEPUTY SUPERINTENDENT, TACTICAL POLICE FORCE, BOSTON POLICE DEPARTMENT; AND CHARLES BARRY, SECRETARY OF PUBLIC SAFETY

CHAIRMAN FLEMMING. We appreciate very much your being with us.

MR. ALEXANDER. Starting with Deputy Superintendent Rowan, could you each for the record state your name, address, and occupation, current title, and the title you held during the opening of school last September.

MR. ROWAN. Joseph P. Rowan, deputy superintendent in charge of the tactical police force and the housing police. My office is located at 150 North Street in Boston.

MR. ALEXANDER. Thank you.

MR. JORDAN. My name is Joseph M. Jordan. I was a superintendent-in-chief as of September 12, 1974. I am in charge of the bureau of field services, the Boston Police Department and I live at 16 Orega [phonetic] Street in Dorchester.

MR. ALEXANDER. Thank you. Secretary Barry.

MR. BARRY. Charles V. Barry. I am the secretary of public safety for the Commonwealth of Massachusetts. During the Phase I operation, I was a deputy superintendent with the Boston Police Department assigned to South Boston and Dorchester area. I reside at 275 Bellevue Street in West Roxbury and that's in Boston.

MR. ALEXANDER. Thank you.

MR. ROWAN. May I say, at the inception of the busing, I was a captain in charge of the tactical patrol force.

MR. ALEXANDER. Thank you, deputy superintendent.

Superintendent Jordan, could you explain to us what the normal field and operations command structure is for the Boston Police Department?

MR. JORDAN. The normal field operation command structure within the Boston Police Department has within its organization or units, all of the uniform police officers plus the detectives that are assigned responsible for all enforcement of the laws and ordinances of the city of Boston.

MR. ALEXANDER. Was this structure altered any for the desegregation process? Was it the same structure followed?

MR. JORDAN. The very same.

MR. ALEXANDER. Could each of you, starting with Superintendent Jordan, specify what your duties and responsibilities were in relation to school desegregation?

MR. JORDAN. I, as a field commander for the bureau of field services, had the overall responsibility to see and to insure the operation of the safety of the school children that were being transported from one particular location to another. And within our bureau, we had all of our uniformed personnel and our detectives were—accepted that responsibility.

MR. ALEXANDER. During this period of time, did you operate your normal duties as a superintendent? Were these in a sense additional duties?

MR. JORDAN. These were in a sense additional duties, because at the beginning of the school problems, a great deal of our time was spent out on the streets, depending upon what type of situation we were confronted with.

MR. ALEXANDER. Now, you say a great deal of your time was spent out on the streets. As part of your normal job, are you normally out on the streets?

MR. JORDAN. It would depend. Normally I would not be out on the streets.

MR. ALEXANDER. During school desegregation, the first several months, starting with the first day, were you at—where were you?

MR. JORDAN. My first day I was in my office evaluating and analyzing the overall implementation of the school busing on opening day.

MR. ALEXANDER. When did you leave that office?

MR. JORDAN. The second day.

MR. ALEXANDER. Where did you go?

MR. JORDAN. The second day I went to South Boston High in the morning and I visited other high schools throughout the city during that day.

MR. ALEXANDER. What role did you play when you were going to individual high schools, or other schools?

MR. JORDAN. The role I would play would be, again, to evaluate, coordinate, direct in some cases whatever type of problem that we were being confronted with.

MR. ALEXANDER. Would you personally be issuing orders, or perhaps making arrests during the opening of school?

MR. JORDAN. I have done both.

MR. ALEXANDER. How many arrests did you make personally?

MR. JORDAN. Two.

MR. ALEXANDER. Deputy Superintendent Rowan, could you explain what your normal responsibilities are?

MR. ROWAN. Well, at that—

MR. ALEXANDER. Other than school desegregation, that is.

MR. ROWAN. Well, I'm in charge of a tactical patrol force emergency service and the housing patrol at the present time. We're talking about now or in September?

MR. ALEXANDER. In September, sir.

MR. ROWAN. In September, I was in charge of a tactical patrol force and the emergency service unit, the mounted unit and the canine units. At that time, we were assigned as a standby unit in case of trouble and the first day of school, we removed our whole unit to the White Stadium.

We stood by there to maintain a low profile at the schools. We didn't want to be accused of inciting any trouble by presence of too many police in the school area.

Mr. Alexander. All right. Deputy Superintendent Rowan, a tactical police force has been referred to several times both by yourself and others prior to you. Could you describe to us this unit and its manpower, the type of training it has, command supervision or structure as opposed to other divisions in the police department?

Mr. Rowan. Well, it was put together mainly to handle any troubles in the streets, or high crime areas, to be saturated. And during the sixties and seventies when there were large demonstrations, the unit was charged—was trained for crowd control. We're a mobile unit. We can move on any part of the city and we've gone to other cities and towns. It is a quickly mobilized and easily moved unit and they work together. They've all been trained together in groups and it makes it a much more efficient operation to be able to have a certain group of men under a particular sergeant and lieutenants.

I was a captain there at the time. I had three lieutenants under me. As a result, I had three platoons and in the three platoons, I had two squads each and each squad was commanded by a sergeant.

Mr. Alexander. It was indicated in earlier testimony that the TPF bore the brunt of the early desegregation work. Is that an accurate assessment? It was moved from crisis spot to crisis spot?

Mr. Rowan. Yes, we were. We were deeply involved in it.

Mr. Alexander. Were you personally moving yourself from crisis spot to crisis spot?

Mr. Rowan. Yes, I was.

Mr. Alexander. Did you in fact make arrests yourself, or disperse crowds personally?

Mr. Rowan. I worked with the men on the street. I didn't actually make an arrest. I was involved in arrests where a group of us would make them.

Mr. Alexander. Did you ever direct officers to make officers to make an arrest?

Mr. Rowan. Yes, we did. I did.

Mr. Alexander. Is that the normal operation within the TPF, with a senior officer such as yourself being with the units on the streets, issuing directions in relation to arrests, or dispersements?

Mr. Rowan. Well, that's a normal operation. At times we have to split the unit, which we did on—during this crisis. We could utilize a squad, just send it out to another area, or we could send a platoon with a lieutenant plus the sergeants.

Mr. Alexander. Thank you.

Secretary Barry, with respect to your previous position with the Boston Police Department, what were your responsibilities generally? And what were—describe for us the geographical detail area that you were responsible for.

Mr. Barry. I was responsible for the immediate supervision of the men assigned to District 6 in South Boston and the men assigned to District 11 which is Dorchester.

Mr. Alexander. Now, how long had you been in that—in the South Boston-Dorchester area, your own personal involvement?

Mr. Barry. Approximately 9 months prior to the time school opened.

Mr. Alexander. I understood from our interview that you were—had been brought up in South Boston. Is that also correct?

Mr. Barry. No, sir. I was born in South Boston and left there at a very early age.

Mr. Alexander. Okay. What was your role in the opening of school?

Mr. Barry. As I stated, I had the immediate command responsibility for the men assigned to District 6 and to District 11.

Mr. Alexander. Yes. How many of your men were stationed the opening day of school?

Mr. Barry. Where, sir?

Mr. Alexander. At South Boston High School, for example.

Mr. Barry. In the immediate vicinity of South Boston High School, there were 22 men assigned with their supervising officers.

Mr. Alexander. This decision to assign 22 men, where was it made? Was that your decision, or was that made at a different level in the department?

Mr. Barry. It was a result of the many meetings of the command staff who—and as a result of these meetings a consensus was reached that this would be the deployment in the immediate area for the opening of that school.

Mr. Alexander. Were intelligence estimates available to you in terms of potential demonstrations, or even potential violence in making those decisions?

Mr. Barry. Yes, sir.

Mr. Alexander. It had been your decision solely given the ability to look back over time and also including what you knew as the local area commander, would that have been your personal decision to assign 22 men to South Boston High School?

Mr. Barry. There were other contingencies that I think you should be aware of.

Mr. Alexander. Certainly.

Mr. Barry. On the opening day, there were 22 men around South Boston High School. It's a large complex. The building itself is a very large building. It is surrounded by Thomas Park Road. Twenty-two men assigned there was to establish our presence and let people know that we were there, but we were not there in large amount of numbers. Again, trying to create the presence, but yet not establish such large numbers as to attract more attention than we felt was necessary.

There were other contingencies such as having a platoon of the TPF on standby within minutes of the high school.

Mr. Alexander. What were your intelligence estimates of the potential for resistance at South Boston High School?

Mr. Barry. It ran the full gamut from there wouldn't be anybody there to there would be a very large crowd there. Realistically, we anticipated that there would be a crowd there.

At the height on the first day, I think there were about 300 people and a considerable number of those people were the press. I think the press numbered about 80 people there, yes.

Mr. Alexander. In a normal operating situation, quite aside from school desegregation, when you anticipate a demonstration, are there standard procedures that can be taken to diffuse that situation if you either personally knowing the community or from the operational point of view as the area commander?

Mr. Barry. Absolutely.

Mr. Alexander. Could you explain this?

Mr. Barry. Contrary to a prior witness here, the record of the Boston Police Department over the sixties, I think, is without comparison as far as their success in handling large groups of people.

I would like to preface this by saying that I can fully understand why the Commission is here, I can fully understand why the inquiries are being made and I can fully understand why the whole picture is being observed. And I think this is good.

But the disturbing thing to me personally is the amount of negative type of testimony which is being given. I can understand why that is necessary. But I would hope that the Commission would also look at the many positive things that occurred over in South Boston by the law enforcement agencies, the many commendable things which no doubt could be documented, if you wish, and would far, far outweigh the number of incidents that occurred which in a retrospect, it would be so very, very difficult to have prevented in the first place.

Let's get back into the preparations for a demonstration and how you can diffuse it. The record over the sixties where the department established direct communications with people that were involved in demonstrations. We were one of the first departments to seek out those people who were having a demonstration, consult with them and inform them that they had their constitutional right, but by the same token, they should not inconvenience large numbers of other people by so doing and that the police department would be the first to protect their constitutional rights to demonstrate.

However, it had to be done under certain circumstances and in a certain way, so that the laws would not be violated and large numbers of people would not be inconvenienced. And in this way, we have found many, many areas of success in that the many who were demonstrating exercised their constitutional rights and by and large, with some few exceptions, of course, they did get their demonstration and advertise their grievances, so to speak, and in the final analysis, the ends of justice and the Constitution was served.

Mr. Alexander. In school desegregation this past fall, were those procedures followed with respect to South Boston, sir?

Mr. Barry. Intelligence information from South Boston, as I said, went from one end of the spectrum to the other: that nobody was going to be there and others said that there would be large crowds. And predictably, it was somewhere in between.

Mr. Alexander. Yes. In relation to what you just stated about a number of clearly positive examples of police action, you may have heard the testimony of Officer Olbrys in his testimony in being able to contain a potentially serious situation with an extremely short amount of help. I gather it was based on his ability to know the community.

Are there other such examples that you would wish to present to us or relate to us, sir, in relation to your district of South Boston last September?

Mr. Barry. I think you could use Officer Olbrys' example of how a police officer who knows his community and knows his people and has the respect of the community, that would be an example you could use that happened any number of times from September to January in South Boston and in other areas of the city.

Mr. Alexander. In relation to the opening of school, were you personally involved in making street decisions, in making arrests yourself, or in other actual on-the-spot law enforcement activities?

Mr. Barry. Yes, sir.

Mr. Alexander. Could you describe some of those for us, sir?

Mr. Barry. It's a question of where you begin. Let's start on the opening day where due to the size of the crowd, due to the fact that there were demonstrators in that crowd that had nothing to do with South Boston, Dorchester, or Roxbury—and I'm referring to the—wasn't that the Nazi Party?

Voice. Right.

Mr. Barry. They come up—the crowd at that point early in the morning was orderly and the representatives from an outside organization decided to show up there and what I believed would be to incite the crowd, a fracas broke out—a very minor thing. The police moved in and broke it up very quickly.

But when any crowd gathers, it is difficult to determine just what incident, if any, would be the catalyst for their activity for the remaining—for the remainder of that particular demonstration. As a result of that fracas, as a result of the fact that when the first buses arrived at the school, there was, from my observation, a stick thrown at the bus. The tenor of the crowd, it was decided that we would bring in additional police in the form of the platoon of TPF who was not too far away.

Mr. Alexander. Could you tell us about your involvement in the Jean Louis incident that was mentioned earlier?

Mr. Barry. The Jean Louis incident was a very, very unfortunate incident. As a result of information I received and as a result of intelligence that the department received, the students exiting from the

Gavin School would be taken out in a different manner than they normally would be.

The size of the crowd at Dorchester and Old Colony Avenue, the type of people that were observed in the crowd and on the information that we had received, it was decided that we would reverse the direction of the buses and take them out on a different route than what they would normally use.

Having that accomplished, I went back to Dorchester and Old Colony sometime about 2:30 in the afternoon. There was a large crowd there. We decided that we would try to establish a normal situation, that is that the police would start to leave the area. That we would ask the crowd to remove themselves, that the students had gone, that the buses were gone.

At this point, we started to get the traffic moving. Almost all the policemen had left the area and we were almost back to—I say "almost back"—there were in the vicinity of a hundred people at the corner.

MR. ALEXANDER. Where were you at this particular time?

MR. BARRY. Dorchester and Old Colony.

MR. ALEXANDER. What function were you performing at this time?

MR. BARRY. That was my area. That was my responsibility.

MR. ALEXANDER. You said that most of the police had left and you had remained.

MR. BARRY. They were sent from this immediate area to an area about 200 or 300 yards away, down by the Columbia baseball field.

MR. ALEXANDER. Yes.

MR. BARRY. And Mr. Jean Louis came by in a car. Somebody from the crowd yelled, "There is one. Get him." And I think the other—the rest of the story might be repetitious, but his car was stopped. He got out. He ran. And on repairing to the scene, we assisted him out of that crowd and into a vehicle and had him sent to the city hospital.

MR. ALEXANDER. How many officers other than yourself were present at that time?

MR. BARRY. About—I'd say about 10.

MR. ALEXANDER. Specifically, what were you doing when that incident started?

MR. BARRY. Asking the people to remove themselves from that corner and start the traffic moving.

MR. ALEXANDER. To move a little bit to your new role as the secretary of public safety, there has been some discussion earlier by Mayor White and others about the role that the State will play in coordination of law enforcement for Phase II.

Could you tell us what the preparation level is as of today in terms of preparation for Phase II, coordination of law enforcement throughout the State?

MR. BARRY. There is now a series of ongoing meetings to accomplish step by step the preparation of an operations plan and just how the

State would assist the city. We have covered all the legal involvement. That is, the resources of the State are placed at the disposal of the city through a well-established legal channel which is set out in the statutes and that we would put at the disposal of the city to work under the direction of the city, the state resources; that is, the State police, the MBC police, and also the National Guard.

We have had ongoing meetings in this regard that goes back to Phase I. We are now developing mission assignments and responsibilities for Phase II. I would expect that these meetings would be ongoing right up to and including September.

Mr. Alexander. With respect to whatever problems may have existed in the past in terms of coordination and the intervention of other than the Boston Police Department's functioning for school desegregation, is it reasonable to anticipate that by September that will be a smooth process, that all the roles will be known and understood?

Mr. Barry. Yes, sir.

Mr. Alexander. Superintendent Rowan, can the tactical police force continue on a sustained basis of providing the main bulwark of the school desegregation operation?

Mr. Rowan. I believe they can. I think in September there that they'll all be put on a day shift and their hours won't be as long as they have been in the past year.

Mr. Alexander. Can the—during the school desegregation crisis, if you will, was the TPF able to be utilized for other emergency or crowd control situations? Were they available for those situations?

Mr. Rowan. We were called many times on Saturdays and Sundays for various demonstrations. We performed our anticrime work at night. We were frequently called to the Boston Garden for crowd control down there when they have a rock and roll show and we performed our normal operations along with this every day.

Mr. Alexander. Was substantial overtime incurred over this period?

Mr. Rowan. Yes, there was.

Mr. Alexander. Could you give us an indication of the amount, for example, an officer in the TPF in a one month period of time, what would be the average amount of overtime incurred?

Mr. Rowan. Now, are you talking about dollars and cents?

Mr. Alexander. Either hours or dollars and cents, it does not matter.

Mr. Rowan. Well, in the beginning of this, the men would begin work at 6 o'clock in the morning and they were working right through until 2 in the morning. If they were on duty, it might entail 12 to 14 hours overtime a day. That went on for at least 2 months in the beginning of this and then as it quieted down somewhat, we used less number of men, so their hours were cut probably in half.

Mr. Alexander. These long hours, how did it affect the effectiveness of the TPF? Can they maintain that type of a 12-20 hour day over a sustained period of time? How long a sustained period of time?

Mr. Rowan. Well, the men were tired, but, of course, they have 2 nights off a week and they'd be able to rest somewhat, get some kind of sleep then. We were more or less lenient with the men when they were working the long hours and on a standby in the vehicles, if they dozed off, we didn't find any fault with them. So, they were able to get some little rest that way.

Mr. Alexander. Thank you. Superintendent Jordan, would the other officers in the Boston—

Mr. Jordan. Could I just say something, Mr. Counsel, because I seem, I'm sure the Commissioners and you are—I'd like to just correct that impression. You indicated I made two arrests and that seems to—you place great significance, at least I get the impression.

When I made those two arrests, one in South Boston, one in Hyde Park, the group of police personnel that were there were fully committed to maintaining law and order around the buses. I was the one that saw the rock thrown. I was the one that chased the individual.

Another thing I'd like to say and I'm sure the Commissioners want to be fair. As Secretary Barry has indicated, this seems to be a whole negative approach to the school problem, that the magnificent job that I think the personnel of Boston Police Department has done during this particular period is being demeaned by some of the witnesses that you've called here.

For example, Mr. Galvin, he's a so-called expert. He taught at a university. I teach at Northeastern. I've taught for 5 years. Does that make me an expert?

The other thing is that you approach one isolated incident at Columbia Point on opening day and Secretary Barry has indicated that there's been hundreds and hundreds of these same incidents, but you seem to, you focus in on that one and I just feel, and I'm sure the Commission wants to be fair about this, that, you know, you get the overview of the entire operation, which I think that they—is completely missing here; the long hours we spent, every day we'd get through from the field, we'd come in and critique it, what went wrong, what did we do wrong, maybe we'll do better the next. I was about to get to those questions—

Mr. Jordan. Well, let me just say something about I saw the critique that Mr. Galvin wrote for this Commission, evidently, or he had a large input. He seemed to place a great deal of credibility in the fact that the Boston Police Department didn't do any internal security problems inside the school.

Our whole approach was in the public sector. We were concerned with the responsibility of transporting these students safely across the various locations. We had many, many meetings with the school department. We established some rapport with them in terms of jurisdiction, that we would be guided by their counsel and advice as to what they need in the school—inside the school, I'm talking about.

Now, when you examine this whole school problem, internally, it really didn't develop acutely until we'd been committed around December the 11th when we had that incident in South Boston High. Many of the headmasters and principals didn't want police presence inside the schools.

Now, we concurred with that. But prior to the opening day of school, we talked to five or six departments, police departments throughout the country and they—we borrowed from them what they had learned in their particular problem of desegregation. We implemented those in our operational plans. We had the experts from Prince George County in Maryland, which experienced this desegregation, came up and personally spoke to us about it.

Mr. Alexander. Yes.

Mr. Jordan. Now, they all were of one mind that the internal security within a school should, the large input should come from the school department. We acquiesced to that. We allowed them to make decisions in terms of the need inside the school. That's why we ended up with a large group of police officers inside of South Boston High School, inside of Hyde Park High School, but there's hundreds of other schools that there were one or none, or no police officer available.

Mr. Alexander. I wish to state that we have had testimony throughout the 5 days of hearings so far about both the positive and negative incidents and testimony about schools where there were no police officers at all.

I was about to ask you how you would have rated the overall effectiveness of your department during Phase I and what the lessons were, if any, that were learned in the Phase I operations that can be applicable for the upcoming year.

Mr. Jordan. Well, I think one thing that we learned through our experience was the deep emotional issue that really school desegregation caused. We approached this problem by determining what resources and personnel we had available. We made our best judgement as to how to deploy those personnel.

Within a week after the opening day of school, the tac[tical] force had 20 to 30 motor vehicles available, because we knew we needed a fluid group to be moving from one part of the city to the other. We employed 50 motorcycles, because we knew we needed mobility to deal with this problem.

Now, I think we learned one thing about Phase I. We learned all the deep emotional feeling of people and I think that, you know, our approach for Phase II will benefit from that experience, plus we've developed our plans with Secretary Barry, MDC, the State police, and the National Guard.

We also hope that the Federal court may clarify some of the issues. For example, we felt and I felt that I'm a professional law enforcement police officer and that we could meet at the end of a period of time with the head of the MDC and the State police and make a determination as to what number of personnel we needed to deploy in the city. This prerogative was taken away from us. We sort of got locked in with the Federal court and the school department.

Mr. Alexander. Can we just specify that for a moment? Where did this prerogative, in a sense, go? Who was making the decisions as to how many police officers were to be in x school? Who—was that the school department that made that recommendation to the court? Was it the CRS of the Justice Department who made that recommendation, or was it the—you seem to indicate that it was not the police department.

Mr. Jordan. We usually adhered to the school department—you're talking about internal security, now. I was talking about something different. I was talking about, as you build up to December the 11th, we were sort of reducing the number of personnel that we were utilizing in the school desegregation.

Mr. Alexander. I know that.

Mr. Jordan. Now, after December the 11th, the incident—

Chairman Flemming. Pardon me. If I could interrupt, I would like to have the superintendent develop a little further this idea that you lost, you know, some of the—or some control because of court decisions and other decisions. I'd appreciate if you could elaborate on that a little.

Mr. Jordan. Well, after the December the 11th incident in South Boston High where the white student was stabbed by a black student, Federal court reopened the hearing and I'm not sure you're familiar with the background of December the 11th, but the State police had accepted the responsibility for the security in and around South Boston High School.

They had developed another problem in the State institution at Walpole overnight. So, they had to withdraw the forces they were using and we built up our forces over in South Boston. When we were starting to build up our forces, the stabbing occurred. And as a result of that, the issue came up in Federal court as to the reduction or the number of personnel inside of and around the school, and the court ordered that we should consult with the superintendent of schools before we reduced any number of our personnel.

Now, as a result, there were many, many weeks went by that we felt, as professional policemen, that we could reduce the number of personnel, but we were sort of locked in, because we had to follow a sort of a legal approach where the corporation council would indicate to the court that we're about to reduce and if we had the agreement of Superintendent Leary, it was okay.

Superintendent Leary was getting a lot of pressure from his teachers that they wanted to maintain a certain level of police visibility. And as a result, he would consult with the area superintendents and so forth. Sometimes he agreed with us and other times he did not. When he agreed with us, we reduced after we went through the court process, but I felt and I think all of the professional police officers, Commissioner Keyoe, Superintendent Carpenter, the MDC felt that, you know, that this should have been our decision in terms of the number of personnel that we were committed to feel.

Chairman Flemming. Thank you.

Mr. Alexander. As a matter of your professional judgments—judgment, in terms of police within a school, would you prefer not to be police in a school, except as a very, very last alternative? Would that be a fair assumption?

Mr. Jordan. I can't conceive, being an instructor myself at the university, how the police visibility inside a school will add to the process of the educational system.

Mr. Alexander. Would you be in favor, then, of developing either a citizen-based, or some other type of institution to provide services within the school setting rather than the police department, inside the school?

Mr. Jordan. Positively. I really don't believe that the police visibility inside the schools should be there.

Mr. Alexander. Okay. Has—in your professional view, has the desegregation process during Phase I caused the Boston Police Department in any way to diminish its normal police services?

Mr. Jordan. Well, certainly in the opening phases of Phase I, we certainly were committed most totally to the school problem. But we still maintained the normal number of vehicles, the response units that we had out. We still were able to maintain this under very difficult and trying circumstances, because when you see and you realize the acuteness of the problem at the first couple of months of it, it required the presence of both myself and Secretary Barry, the police commissioner was out there playing a role to try to implement this process in a very orderly way.

Mr. Barry. Could I—

Mr. Alexander. Certainly.

Mr. Barry. —could I make a few comments in that regard and I think it would be very much in point now to understand what the role of a municipal State police officer is.

These agencies are geared for a day in and day out operation and when you consider the amount of responsibilities that are heaped upon them in this last year in addition to their day in and day out responsibilities, I can understand why you would ask questions like that.

Now, for Phase II, we have it pretty well figured out as to how many policemen we can furnish to the city of Boston from the State police and from the MDC. On a given emergency, they get everything we got and, but you people can well understand that our responsibilities are statewide and, of course, in the—citywide for the Boston Police Department.

And in order to meet those commitments, we have to gauge our resource availability to the city. We could put in the city of Boston within a matter of 2 hours maybe 900 State police officers.

Now, how long can you leave them there to the neglect or to the hurt of other people in the State? So, we have worked out a formula whereby on opening day, we will provide x number of officers from the State police, whatever the emergency calls for right up to a maximum utilization of every person there.

But then there is also another formula whereby for how long, how much time they can remain there and how many numbers. If the situation does stabilize, we can provide to the city of Boston from the State police for a protracted period of time 100 policemen on their offduty hours, but I think it's very much in point now, particularly in regards to other testimony I've heard before this Commission regarding the responsibility of the police officer and I submit to you now that maybe some of those people who have never worn a uniform or have spent a considerable amount of time trying to deal with these problems, that consideration and weight should be given to the testimony based on how much involvement that particular person has had and just stop and consider the amount of responsibility that was given to the Boston Police Department, to the State police, and to the MDC and the total number of people that were hurt under some of the most trying conditions that I have ever seen in 27 years of wearing a uniform.

Again, the projection for Phase II we will learn from Phase I. To say that deploying 600 or 800 or 900 State policemen into the city of Boston is not going to hurt the overall operation is ridiculous. These men, we are geared for a day in and day out operation. Sure we can gear up for emergencies, absolutely, and we can maintain a certain level of this resource for a period of time, but then we must withdraw.

And I would like to say that, in December, the withdrawal had started to take place, very slow, very orderly, the presence was still there, but the thing was that you couldn't tolerate an ordinary situation over there. That is, if a person getting in a fight, if a black student and a white student had a fight which would ordinarily occur in any school year, it immediately became a racial incident.

We were doing just that on December the 11th, but then we had to gear right up for 300 people, but to maintain a commitment of 300 people is very, very difficult and does put a strain on your overall operation.

Mr. Alexander. With respect to your last point, Secretary Barry, I'd like to ask all of you, there have been a number of persons who have suggested, including Mayor White, that a Federal police presence would be appropriate. I would like your professional response or evaluation of those suggestions.

Mr. Barry. I think that, I think that the judge, Judge Garrity has stated that the city would utilize their resources to the maximum and when the problem was beyond their resources that the State would furnish their resources and we have complied with that, naturally, and that there would—we would go to the next State resource would be of course your MDC police and then into your National Guard.

Mr. Alexander. Superintendent Jordan would like an opportunity to comment on the suggestions that have been made, is the necessity for a Federal police presence.

Mr. Jordan. I think I disagree somewhat with Secretary Barry on that. I think any assistance that the city can get to implement this program, this plan, certainly would be helpful. I think that the fact that some sort of federal visibility is apparent to everybody, I think would help us a great deal.

Mr. Alexander. Secretary—

Mr. Barry. Could I comment there that in these ongoing meetings for Phase II, you do have a Federal presence in the form of people from the Justice Department that are right in the planning process with us and your Federal bureaus are also involved right from the beginning this time.

Mr. Alexander. Thank you.

In respect to your answer, Superintendent Jordan, Secretary Barry indicated that his personnel, the numbers that could be made available on a sustained basis. Is it your opinion one way or the other that your current staffing pattern, the 2,500 persons allotted is sufficient for a sustained problem period?

Mr. Jordan. Well, again, I think we learned, or at least we have the benefit of Phase I behind us. I think that bearing some real unforeseen prediction that with what we've got as far as planning goes, in terms of being able to draw from other police agencies, that we should be able to implement Phase II. But I don't want to, you know, say that everything is going to be okay. This is a very emotional issue and I don't think anybody in this room can make a prediction as to what may or may not result come September, October.

Mr. Alexander. Thank you. I have no further questions at this point.

Chairman Flemming. I would just like to make a brief comment on the issue that has been raised by Secretary Barry and Superintendent Jordan. I fully appreciate the significance of your comments relative to the nature of the record that is being developed in connection with this hearing and I want both of you to understand that this Commission is very anxious to obtain evidence on all aspects of the developments in connection with Phase I and in connection with the plans for Phase II and this is why, of course, we were very happy that all three members of this panel were in a position to be here and to share with us the overall picture as far as the participation or the activities of the police department are concerned.

I feel that Counsel has covered a wide area in his questioning and I feel that you have been more than responsive in giving us the kind of information that his questions were designed to elicit. It is important for us to get the overall picture if we're going to come up with findings and recommendations that will not only be helpful to Boston, but hopefully helpful to other cities which are going to probably have some experiences similar to Boston.

We feel that's our responsibility under the law, is to try to make sure that we get all of the evidence that we should have before we sit down and make any findings or recommendations. And you certainly, all three of you, have made a real contribution to helping us achieve—achieve that objective and I want to assure you that as we evaluate evidence, of course, we have to keep in mind the background and the experience and training and so on that the persons who appear before us have and particularly the experience that they've had in connection with this desegregation issue. Certainly all three of you have been deeply involved in it and I can understand with it on a morning, noon, night basis; and that's reflected in the testimony that you've given us, and we're grateful for it.

Commissioner Freeman, do you have a question?

Commissioner Freeman. Yes, and I address my commments to either or all of you gentlemen. I think at least two of you have commented about the fact that this is a highly emotional issue. I'm sure that you know that in tens and thousands of communities around this country, white children and black children are going to school every day, many of them by bus and that there is not a problem, it is not a highly emotional issue, because in those communities have decided that they are going to abide by the law.

Now, on yesterday, there were some inflammatory statements made by some of the witnesses about what is going to happen in Charlestown. Now, in view of the fact that you as law enforcement officers have indicated that you are making, that you are now in the process of carrying out a plan for the community, I wonder if you are taking note of those kinds of statements that have already been made by people who are not parents, who are not pupils, if you would comment on what your plans are.

Mr. Jordan. Certainly, Commissioner, I think that when we get the final seating plan for the city which is due, I guess, next week, Charlestown is going to get a very high priority in terms of deployment of personnel on September the 12th. So I think, you know, that we have discussed some of our problems as far as Charlestown is concerned along with the other parts of the city that may become very volatile depending upon the finalization of the school department's plan in terms of numbers and buses and to what location they're going to go.

But I can assure, Commissioner, that Charlestown has a high priority.

Commissioner Freeman. Thank you.

Mr. Rowan. May I say I lost my best captain to Charlestown. He's gone over there in preparation for September and he's been with the tactical patrol force for 12 years, so he'll be in charge of the Charlestown district.

Commissioner Freeman. Thank you.

Chairman Flemming. Thank you.

Commissioner Rankin.

Commissioner Rankin. Just to say we appreciate your testimony very much indeed.

Mr. Rowan. Could I comment? He asked a question on Federal presence. Judge Garrity set down certain rules for the people to follow around the schools and we found it was a problem to enforce Federal law. If we had some Federal officers there with us that wanted to take action, we could back them up, but with the absence of the Federal men, we're unable to move some of the crowds.

He set a certain distance for people to stay from the schools and we're unable to move—we couldn't enforce Federal law.

Chairman Flemming. Thank you very much, and may I just make this statement on Federal presence. I was encouraged to hear from witnesses from the Department of Justice yesterday afternoon that they were in consultation with you, Secretary Barry, and I'm encouraged to hear you confirm the fact that as you carry on these discussions looking to coordination, the dialogue is taking place now. And—

Mr. Barry. I would like to make some further comment on Federal presence as far as now, of course, being an administrator, I have additional responsibilities that go toward preparing budgets and so forth, and a Federal presence in the form of some assistance monetarily to help us over these very difficult times, realizing the fiscal straits that the State of Massachusetts is in, I would hope that the Commission might give some consideration toward providing assistance for the State and also the city for funds that are necessary to implement this, this very difficult times.

Chairman Flemming. I might say Mayor White also underlined yesterday the fiscal implications when we were talking a little bit about Federal involvement.

Mr. Barry. And Mr. Chairman, I would like to again address myself to the testimony of witnesses, particularly how much weight should be given to that particular testimony due to background and so forth. I've heard the term used that Boston is an old police department. The average age is 45-some-odd years.

And I submit to you, on many occasions that has been a distinct advantage to us, that these seasoned men, men that are not prone to become excited and that this, if you flip the coin over, can be a very distinct advantage. And it's things like that I think that the Commission should be alert to.

Chairman Flemming. May I say, Secretary Barry, as Commissioner on Aging for the Federal Government, I concur wholeheartedly in the comment that you have just made.

Mr. Barry. I have seen some very old people at 25 and 30 and I have seen some very young ones at 65 and 70, Mr. Chairman.

Chairman Flemming. I agree with you.

Mr. Barry. Thank you, sir.

Chairman Flemming. Thank you all very, very much.

Commissioner Horn. Mr. Chairman, before the next panel comes, can I inquire of the Chair, we had originally agreed, and I know we're an hour and a half behind, that we might make our statements concerning the contempt—or the subpena issued in reference to the *Boston Globe*. When does the Chair feel it might be appropriate to do that?

Chairman Flemming. Just before—I plan to take a brief recess just before the open session, so that the members of the Commission will have the opportunity of giving consideration to what has been prepared and then immediately following that recess have those statements made available.

Commissioner Horn. My statement is prepared and I'm ready to go anytime.

Chairman Flemming. Okay.

Counsel will call the next witness.

Mr. Alexander. Robert di Grazia.

[Whereupon, Robert di Grazia was sworn by Chairman Flemming.]

TESTIMONY OF ROBERT DI GRAZIA,SUPERINTENDENT, BOSTON POLICE DEPARTMENT

Chairman Flemming. Thank you and we're very appreciative of your being with us.

Mr. di Grazia. Thank you.

Mr. Alexander. For the record, could you please state your name and your position and address?

Mr. di Grazia. Robert Joseph di Grazia, Commissioner, Boston Police Department, city of Boston. I live in West Roxbury. The address as far as Boston Police Department is 154 Berkley Street.

Mr. Alexander. How long have you been commissioner of this department?

Mr. di Grazia. Two and a half years.

Mr. Alexander. Could you just in very, very brief terms give us what your background was before the Boston Police Department?

Mr. di Grazia. I commenced in the law enforcement field in 1959 with the Marin County Sheriff's Office as a deputy sheriff, which in western situation means that you are a law enforcement officer, not a civil or jail-type of guard. Worked for that organization until the city of Novato incorporated and formed its own police department, went to work for the city of Novato officially on December 31 in 1960 as a patrolman, became a sergeant in '61 and chief of police in '63, moved to the St. Louis County Police Department—that's in Missouri—in 1972—excuse me, November of '69 as the superintendent of police and then moved to the city of Boston as a police commissioner. Actually the titles superintendent of police, police commissioner all mean the same thing, the administrator of a police agency.

Mr. Alexander. We've heard described the—in several different ways the planning process that went into the Phase I operation. And the term that has been frequently used is "low profile." Can you, in your view, explain that process and tell us whether that is an accurate characterization of the theory behind the Phase I operation?

Mr. di Grazia. Low visibility was from the outset the approach of the Boston Police Department. There was reference earlier, an earlier statement on, or testimony of a statement that all of us found this morning down in the witness room relating to a staff study and I noticed in one of the paragraphs that the statement was made that the low visibility profile of the department was because of the situation in South Boston and all police officers from the Boston Police Department were Irish and from South Boston and therefore, that was the reason for the low visibility in South Boston.

Low visibility of the police department was intended throughout the city of Boston and except in South Boston, it really worked. If you look at the rest of the schools and how we were able to operate, except, of course, in the situation in South Boston which then, of course, created difficulties in other parts of the city.

But the idea was to remain away, to keep the educational process with the school system, to keep our officers directed towards providing safe conduct to the schools and back for the young people who had a right to receive that education.

Mr. Alexander. With respect to the fact that "it really worked," the statement you just made, could you tell us what your view has been of the national coverage of Boston in terms of law enforcement? What do you mean that it really worked? Were there a significant number of schools where things were essentially peaceful that were not adequately reported upon?

Mr. di Grazia. Well, if we're talking about the news media and its coverage, I've already made that statement previously that the local media understood the problem. That does not mean that they whitewashed the news. They understood what was going on. They reported it accurately and there was good involvement with police personnel and the news media.

National news media, I feel, attempted to justify their existence in Boston and therefore, their reporting was not as accurate or unsensationalized maybe is the term to use as the local news media.

Mr. Alexander. Would you say that the, predominantly the, in the opening of schools occurred without major incidents in most of the schools in Boston?

Mr. di Grazia. In practically all of the schools in Boston, it worked very well. The major incident, again, was at South Boston and this was actually the catalyst for the difficulties that we had later on in other schools and which have continued to this date.

Mr. Alexander. I think the logical question oftentimes becomes, can situations like South Boston be anticipated? Can planning anticipate such things? Did intelligence indicate that such things were going to occur? Were there contingency plans?

Mr. di Grazia. We certainly—you've heard testimony to the fact that the TPF was at White Stadium, as an example. Certainly that was one of the contingency plans. The reason that they were at White Stadium was because that was a central location in the city; though most of us felt that the problem, of course, would be at South Boston. We had some concern about Roslindale, Hyde Park, English High and Dorchester High.

So, with the TPF located at White Stadium, they could have moved in any direction where they were required. As far as the contingency plans, certainly that was, the TPF was one of them.

Secondly was the fact that we would start with low profile. Secretary Barry testified that there were only 22 police officers assigned to South Boston on that morning. That was South Boston High. We actually had 216 officers assigned to South Boston district. Those 216 we tried to keep low profile until we saw, of course, the way the situation was developing.

But we did have a pretty good intelligence information as far as what was developing. I feel that there was certainly enough contacts with trying to keep in contact with the public. I attended many of the meetings with Secretary Barry and trying to talk to the citizens.

There was obviously, though, in South Boston more than in any other areas of the city, this concern stated by citizens that they didn't care to really meet with us, because it would indicate that they might countenance busing.

Mr. Alexander. We have heard testimony early this morning that the TPF was utilized as the major operations unit for situations that became tense or less than peaceful, at least. What distinguishes, in your view, the TPF from other officers in the department? The reliance there.

Mr. de Grazia. Well, first of all the whole mission of the tactical patrol force which was formed in the late sixties when the riotous situations occurred and they were continuously trained in crowd control, demonstrations, problems that would occur similar to our present situation. There is very close supervision. They appear to have a great *esprit de corps* because of their unity.

But more than anything else, not that it differentiates the officers from the others, but the rest of the officers in the department have generally a serve-and-protect duty for the citizens of the community. The TPF is a highly mobile unit that is brought into areas of confrontation.

Mr. Alexander. Are there steps that can be taken to make other units of the department meet the same specifications that you set out?

Mr. di Grazia. Well—

Mr. Alexander. Or would that be appropriate?

Mr. di Grazia. Well, as we went along, certainly we utilized, an example, certain units we knew had tight supervision and also more importantly, mobility and as an example, the motorcycle group was mobilized. All of the officers on motorcycles from the different districts from traffic were made one unit and certainly they were very mobile and we were able to use them.

I think that we have to remember that we still have to continue the everyday operation of the Boston Police Department in providing assistance, as I said before, the service and protection to the community. And we were maintaining that type of an operation while utilizing the most mobile units that we could.

This does not mean that we didn't use personnel from other districts and other units. I think the impression is left with many people that we didn't utilize anyone else. We did utilize them. We had them on bus routes. We had them guarding school sites. We had them, of course, in the schools themselves when the time came.

I think the reason that, of course, there is the constant reference to the TPF is because of their high mobility and unfortunately for them, of course, their high visibility and therefore, they are always in the middle of these situations.

Mr. Alexander. You mentioned supervision and tight control. To what extent is midlevel supervision critical for effective crowd control in overall police discipline?

Mr. di Grazia. Well, not only do we need the personnel, patrol officers who understand what their task is there, but certainly the first-line supervisor and then on up through the ranks. if we don't have that type of quality and quantity supervision, certainly we're going to have some difficulty.

Mr. Alexander. Could you delineate what steps you've been taking since you've been commissioner in relation to developing this type of supervision that you've referred to? Earlier it was mentioned, the new sergeants program is subject to litigation.

Mr. di Grazia. We were hoping at—we will be demonstrating very shortly what additional supervisors on the street with the proper span of control will demonstrate to the citizens of the city of Boston. Unfortunately, and you can't blame any particular individual or individuals, but you have to blame a system, a bureaucratic system, not only in the Boston Police Department, but in government in general, that allows programs to slide and not be developed. Obviously we need proper supervision and what we're doing is training—if we're asking people to be good supervisors, we are training the personnel to be good supervisors by providing inservice training, prepromotional training which was never provided before.

We have a current list that we will be making sergeants from. They've just completed an 80-hour training course. The day that they're made sergeants, they will go through 2 more days of training. They will be placed out in the street with only 8 personnel at the most

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to supervise rather than a situation of 25 sometimes in some districts, which is certainly an inadequate span of control and we're also placing all of these new supervisors in five particular districts. We are removing the present sergeants from those districts and we're moving all new sergeants into those districts.

In other words, all of these programs are dedicated to providing the men that will be the supervisors of this department with all of the tools that are necessary to actually function properly as supervisors. In the past, I think it's important to point out, too, that the so-called first-line or front-line supervisor, the sergeant, in the Boston Police Department did not actually function as a patrol supervisor. He functioned as a crime investigator and therefore, the men were more or less left to drift by themselves and considering that kind of situation, I believe that the officers have done an outstanding job.

Mr. Alexander. Given the new training program for sergeants and your anticipation of being able to utilize them on this eight-man system, will this utilization give you increased flexibility for Phase II? Will it affect your manpower utilization?

Mr. di Grazia. Well, certainly. I've been, by the way, part of this process that we've been going through is for me to interview individually the 108 that are presently on the list from what the—from the—the 78 sergeants will be selected from that 108. And as of last night, I've spoken individually to 87 of them.

And it's rather interesting some of the comments that come out even though I know that they're trying to make points in talking to me the way I'd like to hear them talk. It's obvious that they understand what their task is and one of them said, and others then also made the same comment, is that he hopes that he can build his eight men into a unit thinking that they are the best unit in the police department.

If we can get enough of those units in the Boston Police Department, that kind of feeling among a sergeant and eight personnel, certainly that has to be a plus when we have the kind of situations that we've had in the city of Boston in other eras and is also, of course, since September of '74.

Mr. Alexander. Would it be your plan to utilize these units in the Phase II law enforcement effort for anticipated trouble spots?

Mr. di Grazia. Well, again, that doesn't mean that we haven't used them in the past. We may not have been as effective as we should have been because of proper supervision, but certainly, this also should expand our capabilities because of the fact that we know that we could place a sergeant and eight personnel that have been working as a unit, we can bring them out into the street and place them in strategic spots. We will know there is a sergeant in charge of those particular eight people.

What has happened, of course, from September on was that we had to utilize more or less the people who were available, gave them a sergeant or lieutenant or whoever happened to be there, he might not be familiar with any of the people, might not even know them by name, so this type of approach should certainly bode well for the future.

Mr. Alexander. In the previous panel, there was a discussion about proper decisionmaking party for deciding whether police should be inside a school and if so, in what numbers?

Would you like to comment on that, whether you believe police should be inside the school and whose decision that should be?

Mr. di Grazia. I personally do not want to see any police officers in the school in this situation. I personally would rather not see them on bus routes, but we understand as professionals that we do have the task of protecting the rights of young people who want to—wish to receive an education. And therefore, we have to be where we are.

But beyond a normal operation where we may have a juvenile officer that goes into the school in plain clothes, or where we're invited in to give talks to young people, the police department should not be involved in the education system.

We attempted to maintain that posture when we first started the school open in September. We only had at the most two officers, generally only one, in each one of the major schools. Generally the community service officer or the juvenile officer or possibly both, if a school is large enough. Because we didn't want our presence in there, we felt that what would happen, which did happen eventually, where most of the teachers abdicated their roles as disciplinarians. We didn't want that to happen and unfortunately, it did when we were brought into the schools.

Mr. Alexander. What type of training was provided for Phase I? Is there a special type of training that can be provided for a police department that is about to undergo a desegregation process?

Mr. di Grazia. As far as—it's a two-part question—

Mr. Alexander. Yes, it is.

Mr. di Grazia. —as far as what was done and what should be done. What was done, of course, we had a continuing inservice training program that—in '73-74, I guess, we'd gotten through about 1,100 of the officers in the department. But that was more—it—very little if you want to call it riot control-type training was provided. There was a little provided when they were out at the range, at the firing range, but as far as the sterile-type classroom approach that we conducted for 2 days for each officer, generally it wasn't a matter of how we deploy personnel. It was talking to them about the problems of everyday policing and, of course, the subject always came up of the busing issue which was facing us shortly.

Mainly it is an attempt to, as we did with also a videotape, attempt to show them what their powers would be and the fact that it would be a very difficult, emotional situation and that they should have—they should understand it would have to be carried off with a very close look at the people that they were dealing with and that they were there to protect the rights of young people who had the right to go to school.

Mr. Alexander. In terms of the training that perhaps you can see occurring for Phase II, Miss Foley from the school department mentioned a special training program that she has proposed for these new sergeants you just mentioned in human relations types of training. Do you feel that that's an appropriate device that should be utilized?

Mr. di Grazia. Well, we tried it, as I say, we tried that somewhat in the couple of days that we had of regular inservice training, not directed towards—I wouldn't want to give the impression that it was directed towards the desegregation problem.

Yes, what we're talking, that's what we've talked about to our supervisors and that's what we've talked about in, with our recruits. We, again, not blaming any individuals, but the system, we've never really in policing in general told police officers when they came on the job and later as supervisors what their true task was.

I think that far too often police officers and if you watch TV and those programs that supposedly depict policing, you get the wrong impression of what police officers are supposed to do. They are depicted strictly as crook catchers and enforcers, where, of course, the vast majority of their time is providing service and protection for the community. And this is what we've been slanting all our training towards, because certainly, it's necessary and normal operation of the department and it's certainly particularly important in this type of an operation that we've had since September of '74 and we face apparently in September of '75.

Mr. Alexander. Would you care to comment on at least two theoretical possibilities that have been raised, and that is the modifying the normal services that would be given to the public in a crisis situation and focusing manpower on the crisis? The other one being to alter the shifts using the 12-on and 12-off shift. Can you comment on what the—in your view, the utilization of such alternatives would have achieved or would not have achieved?

Mr. di Grazia. Well, first of all, I don't see how you can possibly reduce the service and protection that you're providing to a community. We are attempting to increase the number of personnel out in the street all the time. We actually have considerably more than we had out there a few short years ago, even though we have less personnel in the department.

We're utilizing them in different areas and still citizens, and probably rightfully so, are still saying that we aren't responding as quickly as we should, that we're not providing the service we should, so I don't see how we can possibly reduce our efforts in the regular police area.

It really concerns me that there is even some thought given to that when it is—if it was just for a couple of days, it's possible, but it's certainly very apparent that it's not just for 2 days. It goes on for quite some time.

As far as the 12-hour shift alternating, certainly we thought of that prior to the school starting in '74 and it was discussed quite often in our critique periods after school started, but we felt that implementing it would require too much notice, too much involvement, too much preparation versus, of course, our attempt, really, to reduce the number of personnel involved in busing or Operation Safety as we called it.

We tried to—as actually has occurred, as has been pointed out, in mid-December, we were down fairly low on the number of personnel we had, hoping to keep it that way. If you go into a 12 and 12, even if it's an emergency, it's quite a problem logistically.

Mr. Alexander. Okay. One final question from me. I'd like you to comment on the suggestion that we have heard quite a few times that there should be a Federal police presence in Boston this September.

Mr. di Grazia. Well, we certainly made a lot—it looks like it was a very good question you asked. The TV cameraman just got up.

[Laughter.]

Mr. di Grazia. They will put me in the bag on this one.

[Laughter.]

Chairman Flemming. This appears to have been an interesting question all through the morning.

[Laughter.]

Mr. di Grazia. We've—certainly the question of Federal presence, you know, we talked about planning in the department and we've talked about planning in other agencies. I hope that there will be Federal presence from day one and there will be plenty of planning from day one at the Federal level.

I'm not too concerned with, at this stage of the game, nor was I earlier, on the actual number of personnel that would be on the street as enforcement officers from the Federal level. What I wanted, I think this is what Mayor White wanted, is the onus of Federal authority here in the city. So that we would have with some of our commanders, with some of our supervisors, people who could interpret Federal law, and who could say, "Let's arrest them for that particular charge," and then move them into the Federal court rather than the local court.

I don't think that there's—that we're hiding any facts or that anyone is not aware of the fact that if someone from South Boston went into the South Boston during this time, he was what we called "broomed out," or more technically, continued without a finding.

And of course, the same thing happened if in Roxbury, a Roxbury youth or anyone else was sent—was brought into the Roxbury court, the same thing happened.

So, what we wanted was the type of involvement which would bring the laws of the Federal level into play so that the people who did attempt to keep young people from going to school, that they would be justly punished.

Mr. Alexander. I have no further questions at this point, Mr. Chairman.

Chairman Flemming. Commissioner, we are very grateful for your testimony.

Could I just ask one question? I think you've heard the testimony relative to the discussions that are now going on at the State level, the city level and also involving Federal officials. I assume that you're involved in those discussions.

Mr. di Grazia. As late as yesterday afternoon, yes, sir.

Chairman Flemming. Do you feel that they're proceeding in a satisfactory manner?

Mr. di Grazia. Well, I think we're—we have some problems of what everyone's task will be. I think that we have a normal tendency to be jealous of our personnel, our prerogatives—and this includes the National Guard—and it's, you know, we're still trying to meet that level, or reach that level of concurrence on what everyone will be doing.

Yesterday was the third meeting that we've had. We've had the State police, certainly Secretary Barry, Secretary Parks for education has been there most of the time. We've had our own personnel there. We've had the National Guard there. MDC generally. Now we have Federal representation from the FBI as well as the Department of Justice, Criminal Rights Division—Civil Rights Division, excuse me.

And so, we're working and as I say, I don't want to go too long on that statement, but it's going to take some time, of course, to resolve our problems. But certainly, we recognize that we all have a role to play and we're getting there. It's—at least we've started and I think, too, that in reference to summer of '74, or actually spring of '74, we were making some early plans even before there was an opinion down from Judge Garrity or from, actually from the State plan on, really, how it was going to be implemented.

So we've been looking at that and we're looking at this very closely, because we recognize, especially after this past year, what really faces us in September of '75.

Chairman Flemming. Thank you. I appreciate your response and it seems to me to be encouraging that this process is underway.

Commissioner Rankin.

Commissioner Rankin. Mr. di Grazia, I have a question from Commissioner Freeman that I will read to you. She says, "Do you regard the entry into South Boston of the State and MDC police forces as evidence of the failure of the Boston police force to maintain public safety there?"

Mr. di Grazia. It's rather interesting, again, perusing the staff report this morning, it appeared that there was a feeling that we weren't very strong in some areas, that we didn't carry out our mission as well as we should have. At the same time, during those early days, we were getting a lot of repercussions from the people of South Boston saying that if we could get the Boston Police Department out of here, if we could get the tactical patrol force out of here, everything would work very well.

Of course, all we have to do is look back to the Jean Louis incident when we told the leaders, "Look, you move out, we'll move out and everything will be very peaceful." So they kept saying to us, "We tried that and you know what happened."

But anyway, back to the direct question. No, it wasn't a failure on our part. We could have continued to do the job. But we recognized that this was an excuse being used by the people who were creating and I hope that it's very clear when we talk about Boston, we're only talking about a small segment of people—who are creating the difficulty, that they were trying to immobilize the police department so they could really do damage to schools, buses, etc.

We recognized that strategy-wise, it would be good move to take almost all of the Boston police officers out of there and put the State police in there and the MDC when we finally obtained their services. And we feel that that strategy worked very well, that because those people wanted to try and show that it was all the Boston Police Department's fault, they remained fairly quiet for some period of time, but then they just couldn't take it much longer and it broke out again.

COMMISSIONER RANKIN. I have a question that has arisen several times during our hearing and that is the question of impartiality. I know police in police school are taught in the administration of their duties to be absolutely impartial. But it becomes very difficult because if the action hurts them, why it becomes police brutality or something like that quite frequently.

But in disturbances like you experienced here, where there are two sides to the question, it's exceedingly difficult and more so than usual, isn't it, to—for each policeman who has strong feelings in the matter to be absolutely impartial.

What do you instruct them in cases like this?

MR. DI GRAZIA. I hope that everyone realizes that police officers are human beings just like anyone else. And they are a product of their environment. And it has been often said that we live in a racist society, so I don't expect that Boston police officers, because they're human beings, they're going to be any different than any other set of human beings.

All that we ask of them—we do not try to change their feelings on a particular group or on a particular Democratic or Republican Party, or whatever it happens to be. They do have that right, but we ask that they do carry out their sworn duties as they should. And I think particularly because of the situation as it was with the vast amount of police officers in the Boston Police Department of Irish ancestry, that a great number of them came from South Boston. I think that they deported themselves extremely well. I think that the lack of brutality charges brought against the officers, even with some people, of course, attempting, because of court adjudication to do that, and as I say with the very deep feelings that they had on that subject, they showed themselves to be true professionals facing any area of the city and the people with their comments from any area of the city, that they deported themselves extremely well.

I don't know, and I was present, I was out in the street most of those times. I don't know where I ever saw a Boston police officer overreact. Certainly there may have been some times, because again, they're human beings, but I think they deported themselves very well and they kept their personal feelings in control.

Commissioner Rankin. We are happy to have your testimony on this point. Thank you; thank you, Commissioner.

Commissioner Saltzman. I have only one question, Commissioner. One officer who testified earlier this morning said there are some tensions at times between black and white police officers. Are there efforts to address these tensions to create a rapport between the minority and the majority police officers?

Mr. di Grazia. If I could be a little facetious, Commissioner Saltzman, it's also sometimes between Irish and Italian police officers, too.

But certainly, one of the problems, I think, is that we're not as well represented in the Boston Police Department as we should be by minority personnel. Certainly I would be much happier—I hate the word "quota," but I certainly would be much happier if our department personnel reflected more the percentage makeup of the community itself. And we're attempting to solve that. I think that that is one of the ways that we will do it more than any other way.

Certainly we can talk to officers and there's still going to be pride in their own background, and rightfully so, but if we can—people—if I can just digress a second on it, or change my train of thought for a second—many times we hear people talking about why don't you have enough blacks and then put them all in Roxbury?

I don't think that that's the way to solve the problem, as an example. I think that the way to do it is to have enough blacks, Hispanic, Chinese, women police officers involved in the police department, so that internally, we have a chance to become acquainted with other people that may not be from our own ethnic background and that is going to help us do the job, then, out in the street, because we will be aware of mores or idiosyncrasies or whatever by being able to deal internally with enough people that aren't of our own background or whatever the case may be.

Commissioner Saltzman. Thank you.

Chairman Flemming. Thank you very much for your testimony. It's been very helpful.

Mr. di Grazia. Thank you.

Chairman Flemming. Counsel will call the next witnesses.

Mr. Stocks. Americo Sousa, Laurence J. Carpenter, and Major General Vartanian.

[Whereupon, Colonel Americo Sousa, Laurence Carpenter and Major General Vahan Vartanian were sworn by Chairman Flemming.]

TESTIMONY OF COLONEL AMERICO SOUSA, SUPERINTENDENT MASSACHUSETTS STATE POLICE; LAURENCE CARPENTER, SUPERINTENDENT, METROPOLITAN DISTRICT COMMISSION; AND MAJOR GENERAL VAHAN VARTANIAN, ADJUTANT GENERAL, MASSACHUSETTS NATIONAL GUARD

Chairman Flemming. Thank you. We appreciate your being with us.

Mr. Stocks. Starting with Colonel Sousa, will you please state your name, organization or affiliation, your title, and business address for the record.

Col. Sousa. My name is Americo J. Sousa. I am now holding the rank of colonel and the title of deputy superintendent of the Massachusetts State Police. My business address is 1010 Commonwealth Avenue in the city of Boston.

Mr. Stocks. Mr. Carpenter.

Mr. Carpenter. I'm Laurence J. Carpenter. I'm superintendent of the Metropolitan District Police, head of that department, and my business address is 20 Somerset, Boston.

Mr. Stocks. General Vartanian.

Gen. Vartanian. My name is General Vahan Vartanian and I live in the Jamaica Plain section of the city, and I'm the adjutant general of the Commonwealth of Massachusetts. My office is at 905 Commonwealth Avenue in Boston.

Mr. Stocks. Colonel Sousa, will you please explain the duties and jurisdiction of the Massachusetts State Police for us?

Col. Sousa. Certainly. The Massachusetts State Police is an assisting agency. Its primary jurisdiction is to assist all local departments as well as to maintain a highway patrol and to accede to the wishes of the Governor in the law enforcement throughout the Commonwealth.

Mr. Stocks. How many of your State troopers does your force now consist of?

Col. Sousa. We now have a complement of over a thousand.

Mr. Stocks. Can you give me the racial composition or breakdown of your force and also the number of troopers that are female?

Col. Sousa. We presently have two troopers that are female and we have two women who are staff sergeants and we have one that's a lieutenant. We have a total of five.

Mr. Stocks. How about the racial and ethnic composition of your force?

Col. Sousa. I'd say it varies. It's around 2.7, 2.8 percent.

Mr. Stocks. Of that 2.7, 2.8 percent, are those black, Hispanic, or other?

Col. Sousa. They are mostly black.

Mr. Stocks. What was the first involvement of the State police in the school desegregation process?

Col. Sousa. Prior to the opening of school, there were some meetings held in Boston by the Boston Police Department at which I sent a member of my staff to attend. And as a result of those meetings, we were aware that there might be a situation in Boston.

The officer reported back to me and Commissioner Keyoe. And then on October 10, around 1 o'clock in the morning, I got a call from Commissioner Keyoe who advised me that we had been ordered to go into Boston and I was to have 300 men in South Boston at 6 o'clock in the morning.

Mr. Stocks. Were there 300 men there that next morning?

Col. Sousa. There were 350.

Mr. Stocks. Based on your experience with the State police, have you ever encountered a similar situation where that large number of men have been called upon on such short notice?

Col. Sousa. Not usually in such short notice, no, sir.

Mr. Stocks. Now, I want to make the record clear as to who ordered the State police into South Boston.

Col. Sousa. I was ordered by Commissioner Keyoe to have them there and I'm certain that order came from the Governor's office.

Mr. Stocks. All right. Who defined your responsibilities as to the role you would play there?

Col. Sousa. When I arrived in South Boston and while my men were arriving there, I met with Commissioner di Grazia, I met with Superintendent Jordan, along with Commissioner Keyoe and we were advised as to what the problem was and what our responsibility was to be. And we agreed that we would work in conjunction with Boston and that Boston would be the controlling factor and that we would be an assisting agency.

Mr. Stocks. Now, when you—when your response was "Boston," you mean the Boston Police Department?

Col. Sousa. Was to report to the city of Boston—

Mr. Stocks. Oh, to the city of Boston. To whom did you report? To the mayor?

Col. Sousa. No. We reported to the Bay State Mall, I think it was called, in South Boston where we met the commissioner who represented the city of Boston.

Mr. Stocks. Okay, very good.

Can you explain for us how the State police were deployed once they were on the scene in South Boston? Were they outside of the schools or inside the schools, or other places, also?

Col. Sousa. As a result of my talks, along with the Commissioner, with the superintendent of the Boston Police Department and then Deputy Superintendent Barry, and Commissioner di Grazia, we agreed that we would implement our people along the same lines that the Boston Police Department had been utilizing their personnel prior to our arrival.

Mr. Stocks. So, in response to my question, does that mean they were outside of the schools only, or inside and outside or along bus routes?

Col. Sousa. We utilized them outside along the bus routes. We utilized them at Bay State Mall on a standby basis. We utilized them out in front of the school and we utilized them in the school.

Mr. Stocks. What instructions, if any, were given to the men that were assigned inside the school?

Col. Sousa. Well, many instructions were given. In regards to what, sir?

Mr. Stocks. As to what their function was to be inside that school.

Col. Sousa. Their function—the captain that I placed in charge of South Boston High School, along with the major for that zone, were advised that if there was a problem in the school, they were to separate the individuals creating the problem. They were to take both these individuals, or more if there were more involved and turn them over to the Boston police officer, who in that case was a juvenile Boston police officer, and the superintendent of the school. And they—the school and the Boston Police Department then would take necessary actions.

Mr. Stocks. Did the—were the State policemen instructed to arrest persons in the school?

Col. Sousa. They were not instructed to arrest people in the school. They were instructed to maintain order in the school and to bring to the attention of the Boston officer in the school of any circumstances that needed action, police action, and to assist them if they needed it.

Mr. Stocks. Were there any instructions in regards to speaking to students?

Col. Sousa. Under no condition did I instruct my people that they couldn't converse with the students. I told them that they were to treat the, all the students in the same manner and if a student talked to them, I would expect that they would reply back to them, but they were strictly a police business and not a social business.

Mr. Stocks. Okay. Were there any limitations on their mobility? That is, were they restricted in going into classrooms as opposed to patrolling the halls?

Col. Sousa. Yes, we—the State police have been utilized throughout the year, mostly in the changing of classes. We have men on the school landings. We have men outside the door of the classroom. We have men in the cafeterias when the cafeterias are in use. We have men in the metal shops when the metal shops are in use. But outside of the workshops, the only time the State police were in a classroom would be the workshops.

Mr. Stocks. Okay.

Col. Sousa. Unless summoned by the teacher for assistance.

Mr. Stocks. Were there any serious incidents while the State police were stationed in South Boston?

Col. Sousa. There were incidents in the school throughout the year.

Mr. Stocks. Do you recall a December 11, 1975, incident?

Col. Sousa. Yes, I do.

Mr. Stocks. Would you relate that to us?

Col. Sousa. Well, December 11, I believe was the day that there was a problem down at Walpole and with some hostages were held.

I had to send some people down there as well as go down there myself. I had worked out an agreement with Boston that if something like this should happen prior to school being in session that Boston in turn would fulfill our commitment. So, I advised Superintendent Jordan that I had to go to Walpole with my men and that he would have to prepare with the help of the MDC, if necessary, to assume the responsibility for South Boston High School.

I did go to Walpole. We were in Walpole. There was a problem in South Boston developing. I was advised of it at Walpole. The hostages situation in Walpole was such that time was not that important at the time. By that I mean, of course, we didn't have to act within 10 or 15 minutes.

So, as a result of that, I conferred with the Commissioner and recommended that I and my task force leave Walpole and go to South Boston to assist the Boston Police Department, and that's what we did. And when we got done with Boston and the situation was resolved, we went back to Walpole and later that evening, we resolved that situation.

Mr. Stocks. Who was in command when the State police returned to Boston from Walpole?

Col. Sousa. The deputy superintendent was there. Commissioner di Grazia, I believe, was on the scene. I recall seeing him. And Superintendent Jordan was there.

Mr. Stocks. Our records, interview records indicate that there were 300 State policemen in South Boston. Was that number maintained throughout the entire school year?

Col. Sousa. No, sir. Our commitment was for 300. Because of the limited amount of time in which I had to react, I had to assume that everyone that I was notifying would show up. I had to take in consideration court time, pending cases, sickness. So I ended up with 350 the first day to be prepared to have enough and sufficient personnel, but from that day on, we reduced our commitment to the 300 commitment and we gradually reduced it through December. I believe we were down to about 85 to 105 men at one time.

Mr. Stocks. Did you make the decisions to make the reductions?

Col. Sousa. No. From the day we went into South Boston, along with Superintendent Carpenter from the MDC and the Boston police officers, their staff, we had critiques at least every other day and no less than once a week. In regards to intelligence, in regards to the reactions that were taking place in the schools and recommendations came forth from that meeting for the reduction of personnel and at one time, these reductions were handled and were done according to the consensus of the public safety officials involved and then at a further time, we were told that we could not reduce, we had to continue to meet our 300 commitment and there were many days in which I had 65 to 100 troopers sitting down at Commonwealth Pier looking at the window and I felt as a public safety official that I did not need them.

Mr. Stocks. Do you have any idea or estimates as to the amount of money the deployment of State police in the Boston area cost the State of Massachusetts? Over and above your regular cost?.

Col. Sousa. Are you talking this past year?

Mr. Stocks. Yes.

Col. Sousa. I would say over $3 million.

Mr. Stocks. Yes.

Col. Sousa. And that includes—does not include the salaries of those individuals for their regular tour of duty. The $3 million dollars is strictly the overtime fee.

Now, if you take the 8 hours' pay that they have to work and that they would be devoting to the rest of the Commonwealth, or to their normal functions, I'm sure you would be reaching somewhere around $7 million.

Mr. Stocks. Has the State police as an entity been involved in any planning for their role in this coming school year?

Col. Sousa. Commissioner Keyoe and myself have attended the meetings with Secretary Barry in his office as well as the representative from the Attorney General's office, Federal people, school people, Commissioner—Superintendent Carpenter, General Vartanian, and other people whose—who will have something to perform in Phase II.

Mr. Stocks. Thank you.

Mr. Carpenter, could you briefly explain the function and jurisdictions of the metropolitan district commission police?

Mr. Carpenter. The function of the MDC is to protect all MDC property, maintain order, protect the people who use our facilities and our roadways, and also as a backup force for the cities and towns that might need some supplementary police service.

Mr. Stocks. For those of us aren't from Boston, it might be useful if you'd distinguish the physical geography that the metropolitan district covers as opposed to the Boston Police Department?

Mr. Carpenter. Well, we are part of the metropolitan district parks district which is comprised of 37 cities and towns. And we have complete police jurisdiction throughout those cities and towns and in the water and sewage districts, also, which are something else. We're in any of the property owned by the MDC is situated.

Mr. Stocks. Yes. Were the MDC at all involved in the school desegregation in Boston?

Mr. Carpenter. Yes, sir, we were involved in the early planning days of the summer of 1974 inasmuch as several of the schools involved in the desegregation issue were located on many of our parkways or closely adjacent to them. Therefore, we had representatives at all meetings conducted by the Boston school officials—Boston Police Department and school officials.

Mr. Stocks. Who made the decisions as to what the responsibilities of the MDCP would be in school desegregation?

Mr. Carpenter. Initially we made our own decisions, because we were dealing only with our own responsibilities as they affected MDC participation.

Mr. Stocks. You said "initially." What happened subsequently?

Mr. Carpenter. Well, in order to cope with our own problems in the early days of September, we deployed a force of 26 patrolman and, with officers of rank, totaling 33. And their mission was to supervise the school crossings and the pickup locations for the students on the various routes going to and from or traversing our roadways.

Most of those responsibilities were performed in two districts, the Blue Hill Station area and the Old Colony Station area, which embraces the South Boston area. In South Boston, we had about one-half of those 33 men deployed strictly for, as I said, supervising the crossing of school children and safe conduct to and from schools.

As things developed in Boston, after the first day, the city of Boston police called upon us to put more people in the area of South Boston to assist them in maintaining order.

Mr. Stocks. Okay. What was the cost to the MDCP of your involvement in school desegregation?

Mr. Carpenter. Through January 27 of 1975, it was $518,000.

Mr. Stocks. Do you have any plan for the involvement of your agency and personnel in this coming school year?

Mr. Carpenter. I am participating as Secretary Barry and Colonel Sousa just testified, in all of the meetings going on. We definitely plan to be involved as those plans are developed.

Mr. Stocks. Will it, in your opinion, will it be necessary for you to get additional revenue or commitments from the State legislature before you can participate?

Mr. Carpenter. In my opinion, yes, sir.

Mr. Stocks. Do you know at what stage that legislative process is in?

Mr. Carpenter. We're still waiting for payment for our present involvement.

Mr. Stocks. Thank you. General Vartanian, would you please describe your position with the Massachusetts National Guard?

Gen. Vartanian. Yes, sir. As the adjutant general of the Massachusetts National Guard, I head a force of approximately 15,000 officers and enlisted men throughout the Commonwealth.

Mr. Stocks. Okay. Whose decision is it to mobilize this National Guard unit?

Gen. Vartanian. The Governor of the Commonwealth who is also the commander-in-chief of the Massachusetts National Guard.

Mr. Stocks. Once it is mobilized, what authority do the guardsmen have?

Gen. Vartanian. The guardsmen react or act on mission-type orders emanating from the instruction received from the Governor.

Mr. Stocks. Was the Guard mobilized last fall?

Gen. Vartanian. It was.

Mr. Stocks. And how many men were called up?

Gen. Vartanian. Approximately 2,000.

Mr. Stocks. For how long?

Gen. Vartanian. We had 4 to 5 battalion-sized organizations. That's a slice of about 500 men mobilized every week for about 5 weeks.

Mr. Stocks. What did these National Guardsmen do?

Gen. Vartanian. They did nothing. They stayed at their home base at Wakefield or at Redding where we indulged or affected training and retraining programs for them in civil disturbance activities.

Mr. Stocks. Were the National Guardsmen armed?

Gen. Vartanian. No, they weren't, because they were not put in the streets.

Mr. Stocks. Okay. If they were to have been put in the streets, would they have been given live ammunition?

Gen. Vartanian. No.

Mr. Stocks. What would they have been given?

Gen. Vartanian. Batons.

Mr. Stocks. Okay. Do you know the cost of the process of mobilizing the Guard last fall?

Gen. Vartanian. Yes.

Mr. Stocks. What was it?

Gen. Vartanian. The approximate cost for the involvement of the Guard during its mobilization stage ran on the order of $275,000.

Mr. Stocks. As you as adjutant general made any plans or been involved any planning process for fall of this year?

Gen. Vartanian. Yes, we have. We have started up and have been involved in for some time some rather extensive preliminary programs. As Secretary Barry has indicated and as others have testified, we have participated in all of the meetings and the preliminary activities relating to preparation and communication and training and involvement.

At the current time, our organizations that are going to field training are taking a slice out of their field training activities to participate in specialized retraining and reorientation.

I might add our guardsmen of today receive 16 hours of refresher training in civil disturbance activities every single year. So the additive of that together with those organizations that were called up last fall together with the intensive activities that we're going through now and into the summer should provide a reasonably effective training vehicle for us to be responsive to just about any kind of emergency.

Mr. Stocks. Could the National Guard provide other services to the Boston Police Department such as equipment?

Gen. Vartanian. Not without Federal approval. We can—we would need Federal authority to release the equipment which is Federal, federally-issued to us.

Mr. Stocks. Is it conceivable that you have some equipment that might be useful to the Boston Police Department in crowd control and other problems?

Gen. Vartanian. I don't—I can't think of anything. They've got everything that we have and the only thing we might have which—in our organization which the police do not have are helicopters. But to release them for police usage would require an instruction from Washington.

Mr. Stocks. Thank you, General. I have no further questions.

Chairman Flemming. Commissioner Rankin.

Commissioner Rankin. Mr. Vartanian, I—several years ago, I got interested in the National Guard in civil disturbances.

Gen. Vartanian. Yes, sir.

Commissioner Rankin. And the people in charge then, 10, 12 years ago said that the training given to the National Guard in civil disturbances really wasn't adequate.

Gen. Vartanian. Yes, sir.

Commissioner Rankin. From your testimony it has been improved in recent years, am I correct?

Gen. Vartanian. Yes, sir. I might add that there has been massive strides, in my judgment, made in terms of establishing positive direction, leadership, and training in this area. While it is a secondary mission for the Guard, necessarily, the Federal Government recognizes this as an inherent responsibility for the Department of the Army to be prepared in this area.

Thus we have received logistical support in the matter of special equipment such as batons and shotguns, etc., together with the authorizations to go newly established schools run by the Department of the Army to include additionally the 16 hours that I mentioned which are required training for all members of the Guard throughout the entire country. So, I think there have been massive strides made especially since 1968.

Commissioner Rankin. Work on civil disturbances is entirely different from the military training.

Gen. Vartanian. Yes, sir.

Commissioner Rankin. And we should keep that, when you say point—say it to all these tanks out in line here, some people get scared that that's going to be used in civil disturbances rather than for military purposes. So—

Gen. Vartanian. We—yes, sir, we will not have any tanks out here in this area.

Commissioner Rankin. Well, I remember the head of the State police near here, not too far away, told me one time that one State policeman on a horse was worth 10 National Guardsmen on foot.

[Laughter.]

Commissioner Rankin. Maybe you don't want to comment. Maybe Mr. Sousa will comment on that.

Gen. Vartanian. I'll not comment on it.

[Laughter.]

ol. Sousa. I won't comment since he and I are going to be working pretty close together.

Commissioner Rankin. Maybe we can put them both on a horse or something like that.

Thank you very much.

Gen. Vartanian. You're welcome.

Chairman Flemming. Commissioner Horn.

Commissioner Horn. I'm sorry I had to miss the first part of your testimony. Perhaps Counsel has explored this, but I'm curious as to your right to invoke the laws of Massachusetts in your role that the Boston police ordinarily would do, or city ordinances in your role as both National Guardsmen and State police.

For instance, we had testimony yesterday that the only thing that the city of Boston had would be to handle the parents and others outside South Boston High School would be a perhaps misdemeanor charge, get them off the street, maybe try to get them into court for a $100 fine.

I'm curious, should you be called into it, can you enforce that ordinance, or are there other ordinances that you can enforce?

Gen. Vartanian. Well, just by way of a very short background, sir, chapter 33 of the general laws of Massachusetts provides for this contingency. When the Governor issues his order placing the Guard on State duty, then the Federal role is wiped out and we come under the State ordinances.

Insofar as your question relating to the matter of arrests, we have the power of arrest. We do not want to exercise it, because of some of the associated problems of appearing as witnesses and the inability of all our people to have the knowledge of knowing what to do and how to do it. Therefore, part of our planning would be to work in conjunction with the police officer and thus be able to apprehend, hold and turn over to the policeman the necessary information and evidence, as well as the individual, should the occasion arise.

This is an area that has to be worked our in greater detail. That activity would be faced more directly when we finalize the roles and missions to be played by the Guard during this time frame.

Commissioner Horn. I think the concern that I have and perhaps some of my colleagues have is that when you're in a very emotional community situation such as that surrounding desegregation and your local police quite properly, largely come from the community with all the affiliations, allegiances, family ties, etc., that might be there, the questions comes, of course, on where can you secure the most effective law enforcement? And when you have very little authority, and as we know the basic decision in any law enforcement decision tree is that initial judgment of the officer who is observing the particular conduct as to does he or she bring a charge or don't they.

When you have this situation and you see what happened last year, and that's what concerns me, of large crowds able to gather outside of school and by noise, rock throwing, and everything else disrupt the educational process inside and promote turmoil. I guess my query is, why doesn't either the city of Boston or the Commonwealth of Massachusetts clear out the streets? If people want to assemble to discuss an issue, fine, let them assemble somewhere else, but not outside a school building where you're trying to conduct education under the laws of the State.

Gen. Vartanian. My response to that, sir, goes something like this: That in the definition of the role to be played by the Guard in Phase II, I can visualize some activities that we could perform where that kind of involvement would never take place.

For example, guarding bus depots or assembly areas or buildings and things like that where the involvement is not on a direct basis, but in terms of separateness as well as any supporting-type role where the involvement would be in concert with and in support of rather than direct involvement with. I admit you've got a point and it's something we have to look into a lot deeper.

I just don't know how to address that, because obviously our people could never become that proficient in that facet of law enforcement to be able to be responsive to the degree that you suggest by your question.

Chairman Flemming. Commissioner Horn, there has been a good deal of testimony fairly recently dealing with the consultations that are taking place. As I understand it, the third one took place yesterday.

Gen. Vartanian. Yes.

Chairman Flemming. Certainly I have a very definite impression that those who are participating and all parties are participating, including the Department of Justice, that the kind of issue that you've identified is being confronted and they are trying to work out resolutions of issues of this type.

I think I asked Commissioner di Grazia if he felt optimistic as a result of the conversations that have taken place up to the present time, and as I recall it, his response was on the affirmative side, recognizing that there was still quite a number of basic issues to be resolved, but he felt that the approach that was being taken would lead to their being resolved.

I don't know that we've asked you for your editorial judgment, so to speak, from that point of view, but one of you may want to comment on that, whether as a result of what—the discussions that have taken place already you are encouraged.

Mr. Carpenter. Yes, sir, I am encouraged. I recognize the fact that we have some way to go yet, but I, too, am optimistic that we'll be able to cope.

Gen. Vartanian. In any operation of this complexity, Mr. Chairman, the building of the box that we call a plan obviously is based on various judgments at that time. I would hazard a guess that there will be a lot of fine tuning as we near this fateful period and obviously we must have the elasticity to react. I'm sure we can.

Chairman Flemming. Fine. Colonel, would you like to comment?

Col. Sousa. Yes. I think that we've learned certainly from Phase I. And I just hope that if each and every one of us does our job that it will be in the affirmative. I say this because I feel that when you put, for example, police officers as we had them in South Boston, there is a tendency for those who are required, or should be required, to administer discipline to sort of step back and let the man in uniform do it. And I think we get into a problem in that area.

I think that if everyone, whether it's in education, or police and the people, the residents themselves, I think that we can certainly make a go of it.

Thank you.

Chairman Flemming. We're indeed grateful to—would you like to comment?

Mr. Carpenter. Yes, sir, Mr. Chairman. There's one other good benefit that has come out of this sad picture and this is the first time that we've worked to such an extent in a coordinated effort with both the State police and a local department the size of Boston, and we have come to have greater respect for each other. There is a good rapport between the agencies. There's a spirit of teamwork and all in all, I think all of the law enforcement personnel did an excellent job.

Chairman Flemming. I am delighted to have the testimony from this panel and on that particular note. Again, thank you very, very much for coming here and making these presentations.

Counsel will call the next witnesses.

Mr. Stocks. James G. Fisk and Raymond T. Galvin.

[Whereupon, James G. Fisk and Raymond T. Galvin were sworn by Chairman Flemming.]

TESTIMONY OF JAMES G. FISK, FORMER DEPUTY POLICE CHIEF, LOS ANGELES, CALIFORNIA, AND RAYMOND T. GALVIN, VISITING PROFESSOR, ADMINISTRATION OF JUSTICE DEPARTMENT, UNIVERSITY OF MISSOURI (ST. LOUIS)

Chairman Flemming. Thank you. Nice to have you here.

Mr. Alexander. Starting with Mr. Fisk, could you identify yourself for the record?

Mr. Fisk. I'm James Fisk. I live in Los Angeles. What else do you want to know about me?

Mr. Alexander. What is your current occupation?

Mr. Fisk. I'm an adjunct professor at UCLA in the department of political science, also a member of the police commission in the city of Los Angeles.

Mr. Alexander. Okay. Mr. Galvin has already explained to us his background in law enforcement. Can you explain what your background in law enforcement has been?

Mr. Fisk. My career in law enforcement began in 1940 and continued until September 3 of 1970, for a career of 30 years. During that

30 years, I served in every line function of the police department as well as in many staff capacities. I retired as deputy chief of police.

Mr. Alexander. Of Los Angeles?

Mr. Fisk. Right. On occasion having served as an acting chief of police. During my career, I commanded many field operations that began with the relatively innocuous nonviolent civil disobedience, ranging from that to the Watts riot and to the violence that came subsequent to that in some of the confrontation politics and the dissent during the Vietnam period.

In addition to that, and very significant, I believe, in connection with this particular incident, for many years I commanded what was called a special events operation which had as its responsibility the planning for the safe conduct of important persons such as Presidents of the United States, the Shah of Iran on one occasion, to move them safely about the city. On another occasion, I was responsible for the planning and direction of motorcades involving Mr. Kennedy who was then the candidate for Presidency, as well as Richard Nixon who was a candidate at the time.

Now, that's significant because part of the problem here is the safe conduct of persons via a motorcade, so part of my experience dealt with that kind of a problem.

Mr. Alexander. Could you indicate on a national basis what has been your experience or utilization as an expert and a consultant? Just very briefly.

Mr. Fisk. I've consulted with the President's Commission on Campus Unrest; the National Advisory Committee on Criminal Justice, Goals, and Standards; the National Institute for Law Enforcement and the Administration of Justice; the Rand Corporation; the Territory of Guam; and a number of agencies such as that.

Mr. Alexander. Were you involved with Professor Galvin in a study of the Boston Police Department in terms of its operations in desegregation as a consultant to this Commission?

Mr. Fisk. During the last 3 or 4 weeks, I have been.

Mr. Alexander. Could you give us an indication of the types of people you interviewed and the types of records that you've examined, the amount of work that has been done in your evaluation?

Mr. Fisk. On two occasions, I had conferences with the commissioner himself. I talked to Deputy Chief Superintendent—Superintendent-in-Chief Jordan. I have talked to several superintendents and captains. I have actually ridden with some tactical patrol force officers and talked to many of them.

Mr. Alexander. How would you compare this level of evaluation and time with that, let's say, normally spent by the international chiefs of police when they evaluate a police department?

Mr. Fisk. I really don't have any basis for that comparison.

Mr. Alexander. Professor Galvin.

Mr. Galvin. Well, I think the mission is a little different. Normally they're interested in an administrative survey in a highly technical way and they have two different types of programs. One would be a staff study which could be a brief period of time like this and the other is a full administrative survey which could take as much as 6 months to a year, so it's a different sort of thing.

Mr. Alexander. Do you—is it both your professional opinions that you've had sufficient time to reach opinions and conclusions that the operations of the Boston Police Department with respect to school desegregation and the other law enforcement agencies that have been involved?

Mr. Fisk. I've drawn conclusions on certain issues and I wouldn't express a conclusion unless I felt I had done my homework sufficiently.

Mr. Alexander. Professor Galvin.

Mr. Galvin. Same answer.

Mr. Alexander. Professor Galvin, could you give us what areas of research you've concentrated on and then briefly summarize for us what your conclusions and opinions are indicating what facts or factors lead you to those opinions and conclusions?

Mr. Galvin. I basically emphasize the administrative side, stressing planning, training, and fiscal responsibilities. I also took a brief look at the question within the school.

I think it's fair to get on the record the fact that the police department, the Boston Police Department started its planning in a general sense before the 21st, the June 21 decision of Judge Garrity. However, the first really formal meetings, as I referred to this morning, started just prior to the order, basically on the assumption that there was sort of a feeling afoot that it was going to come down and what it was going to be.

Now, this was under Deputy Mayor Robert Kiley and the police department were a very input to that situation. A superintendent was assigned and his responsibility was to develop the—the book that I referred to this morning, the plan in terms of for the desegregation of the schools.

Those meetings, as I understood it, took place on the average of twice a week, but it could have been a lot long—a lot more often. Building from that, come about the end of July, this document was taken and distributed to the captains and deputy superintendents and they in turn, taking that document, attempted to develop their manpower plans.

And those plans were approved on a step-by-step basis up to the top with—pardon me, with Superintendent-in-Chief Jordan basically assuming the responsibility for that activity. Unfortunately, the end result was not necessarily a master plan, but there were manning charts that were at that time.

Other planning activities went on. For instance, about the middle of July, a series of staff conferences occurred. These were held basically in an informal atmosphere within the police department and eventually these occurred once a week and became the debriefing sessions that were referred to earlier and those continued well on into the desegregation experience.

There were also the "little city hall" efforts which the police department—there were two levels here. One was a local leadership and one were the community meetings. The local leadership meetings were probably more successful. In some communities, they didn't get much of a community turnout, but those were viewed as planning sessions.

In this overall area of plannning, I think if you wanted to characterize the planning process, it was certainly an informal process. The documents that came out of the process were somewhat piecemeal and they didn't provide, from a technical point of view, and I have to stress from the technical point of view, the sort of subject matter area that I would have found useful in terms of gauging their planning.

On the other hand, they seem to meet their needs. And you have to remember there was a general feeling in the department that they were perfectly capable of handling this decision and they had done it in the past, so this was partially out of their experience, so it's partially a question of style here.

In terms of training, again, there were four positions the department took in terms of training. One was the position that they felt they could handle this. They have handled it in the past and they can handle this.

Two was the question that the time was short and they only had 2-1/2 months to do anything.

Three, they indicated that since this was a sort of unique situation they weren't going to—they weren't too sure what the training should be.

And the fourth point that's related here was they had limited—they were in the middle of a major reorganization. The recruit academy was only in existence—the recruit academy as it presently existed was only about a year old.

They had this interest in inservice training, they had a whole variety of programs going, their training resources were limited and they didn't see the possibility of doing too much more with all of these issues there.

Now they did do a number of things. One was the development of a brief videotape featuring the Commissioner in an attempt to orient them into the situation and encourage them to perform professionally.

Another item was a 2-day lieutenants' field supervision course which occurred early in September, and much of that curriculum dealt with desegregation questions.

I believe almost every lieutenant whom they thought would be involved attended that program.

They also did have the inservice program which reached about 1,100 people, but you have to remember that that was not designed to meet the desegregation needs and only part of that dealt with something that would be specifically appropriate.

Beyond this, they developed two training documents, one being a training bulletin and one being a special order. One took the form of listing the appropriate statutes and giving some guidance to police officers on the street as to what they might do.

The other attempted to list departmental policies and ways of handling specific events, such as fire alarms in the schools, what happens if mass arrests are needed, that sort of thing.

Now, neither of these documents were extensive. The total—I think one was 10 pages and one was 5 pages, and there is some question—I think the department had every intention of disseminating them, but the people we've talked to indicated that they didn't get them. Now, that's always possible in a 2,500-man department, so there was some question in terms of that information.

I might add there was a—while it was not a direct reference to the BPPA's requests for guidance for Judge Garrity, there was a reference in the one training bulletin to the fact that who should they take orders from and under what circumstances.

Now, finally, I would refer to the supervisory course that was developed recently within the last 6 months or so, and which the sergeants which Commissioner di Grazia referred to are presently undertaking.

One exercise in that is an exercise again that deals with conflict management and crisis intervention. But that certainly is not the thrust of the program. The program is basically an attempt to develop sound supervising techniques in these personnel. Obviously that will be helpful in any desegregation session, but that was the general tension of that.

And I think it's fair to say that when you talk about planning and training, there was no plan to do so. There were bits and pieces. I would prefer a situation whereby you would have a planning responsibility assigned to somebody.

It's true Superintendent Russell was given that responsibility in regard to the development of the general plan. Then it switched to Superintendent Chief Jordan for another aspect of it.

The Commissioner certainly was involved in a large number of planning activities depending on what your definition is, but it didn't seem to be a firm, specific system saying, "Here, we are going to go into desegregation, let's put it all together, let's have a master plan for operation."

My personal opinion in regard to the training is they could have done more than they did, but I think there was an overriding consideration that they knew what they were doing from past experience. I think they firmly believe that and I think at least in terms of the TPF, which under normal occasions had a 1 day a week training session, they themselves felt capable of dealing with the situation.

Mr. Alexander. Professor Fisk, could you delineate for us which areas you have focused on and what conclusions and opinions you have reached in those areas indicating the facts which led you to those opinions and conclusions?

Mr. Fisk. I focused my attention upon an analysis of the strategy which underlay the tactics of the training, and I also examined the ability of the department to function under quasi-military conditions, and I'll comment in more detail upon those in just a moment.

Prior to doing that, I would like to make this observation, that my career in law enforcement stands 35 years. And of course, in 1940, the beginning of that time, we had a conventional kind of a role where we were essentially thief-catchers.

And to make the leap rather quickly to 1975, the police find themselves in a situation where, in a sense, they moderate social change in society, at least they try to maintain order during times of social change.

So in a very real sense, the police are performing a kind of a service for which we traditionally weren't prepared, and in many respects we, the police, have not yet made an adjustment to that kind of a role.

Now, one more kind of a background, philosophical observation first. And that is about the role of the police themselves in any kind of a society.

Every civilized society has found it necessary to police itself, and by that I mean to coerce persons who would not otherwise play the game by the rules.

So essentially, whether we like it or not, is to coerce persons into behaving appropriately or lawfully. Whether we like it or not, the police are intended to be an intimidating kind of an influence in society, despite the fact that as Commissioner di Grazia indicates, quantitatively most of what we do is of a service nature.

Now, as I examined two documents from the Boston Police Department, the training bulletin and a special order, I find continued reference to a policy of maintaining order.

Now, I could make a distinction between the responsibility for maintaining order and the prevention of disorder. In our kind of society, the responsibility for order in the community rests upon citizens of that community.

The basic function of the police is to prevent unlawful behavior and to prevent unlawful behavior that is disorderly behavior.

So my basic premise here is that the philosophy expressed in these two documents essentially was nonresponsive to the situation as it existed in Boston.

Now, I benefit from hindsight—excuse me.

Mr. Alexander. Yes. I'd like to have those two documents entered into the record as exhibits at this point, Mr. Chairman.

Chairman Flemming. Without objection, it will be done.

Mr. Fisk. Shall I specify them and describe them in more detail? One is a Boston police training bulletin, no. 74-1. The other is a commissioner's memorandum, no. 74-76, to which is attached a special order, no. 74-107, September 6, 1974.

Mr. Alexander. That is sufficient. Thank you. On the identification of the documents, that is.

Mr. Fisk. Now, I concluded as I examined these documents, that the emphasis was on maintenance of order rather than the prevention of disorder. It was not a realistic appraisal of the situation in planning for an event such as school desegregation.

So the observation—the point that I would make first is public order is a community responsibility. Prevention of disorder is a police responsibility, and that requires that the police assume an aggressive stance, that they plan for contingencies, that they, in a sense, let the community know by their presence and by their tactics that they intend to enforce the law.

And that, in a sense, is a criticism on my part of the strategy of low visibility.

Now, the other part of my observation deals with the ability of the Boston Police Department to shift from a normal style of operation to what might be described as a militaristic style of operation.

A police department is a strange kind of an organization. It's an upside-down organization, because as a rule, the most important, most difficult decisions are made by policemen in a radio car with a very minimum of supervision.

But in times of emergencies such as during the school desegregation, a police department shifts styles and becomes, in a sense, a militaristic type of organization.

And my observation about the Boston Police Department is that it's not adequately equipped to make that shift in style.

It lacks logistical support. In the first place, if a person is to command, then he needs to be in a position of having information from the entire field of action and have a staff that supports him through which he can issue commands, through which he can control and coordinate the entire operation.

And from the evidence that I have heard, there was no such central command post during this very difficult period of time.

From the information that I have gathered, the command structure and supervisory structure isn't intact. If you're going to go to a militaristic style of operation, that assumes a chain of command, it assumes distinct responsibilities for the various levels, it assumes competency from those levels, so that you don't need to find top-level officers on the street engaged in operational types of operations.

I would add to that the fact that apparently the command lacks a proper sense of role. Now that's saying the same thing perhaps in a different way. They may be compelled to act as they did because of a lack of supportive structure.

In any event, based upon some very authoritative kinds of input, I would conclude that there needs to be an effort on the part of the commissioner to develop a sense of command responsibility among his command officers, and attached to that or accompanying that—or perhaps helping to produce that—is some kind of executive development program, because quite obviously, he has some people who are capable of being developed into adequate commanders.

Mr. Alexander. Professor Fisk and Professor Galvin, are you in the process of preparing a report on your observations that will contain your opinions and your recommendations?

Mr. Fisk. Yes.

Mr. Galvin. Yes.

Mr. Alexander. Mr. Chairman, I would like to have that report, when available, submitted into the Commission's record as an exhibit.

Chairman Flemming. Without objection, that will be done.

Mr. Alexander. Professor Galvin, would you comment on Commissioner di Grazia's statement that normal police services could not be cut back in the desegregation situation?

Mr. Galvin. There was earlier in the game a decision made that they would maintain present levels of police services. This came out almost at the same time the low visibility statement was made.

There is an assumption in here—and I'm not prepared to attack the assumption—that the department was busy to the point of it did not have any flexibility in its manpower. In other words, that all 2,500 employees were generally taken up in calls for service, and therefore that there was no flexibility at all.

That would be one position.

There is nothing that we can reject. We have to carry on normal activities. That's open to question, but I have no knowledge one way or the other whether that's true.

The second part of that question is: Are there those activities we can suspend? And I think it is unfair to talk about suspending if there was any assumption this was going to last for a full year. If they were working on the assumption that this was a 1-month operation, then there would have been some reason and some chance of saying okay, we will go on 12-hour shifts, or whatever, at that time.

I do happen to think, however, there was an overriding issue. This department has a tradition of taking on new activities through a negotiation. Now, I'm not talking about since Commissioner di Grazia is on the scene. But for instance, there is a detail arrangement within the contract where any private employer wishes to hire people, use policemen for these people to be hired. Those people—the money is paid to the department and the department pays them and there is a roster.

There are a number of things which are not classified as regular police duties, and I'm sure desegregation fell into that category, which would automatically under the contract be considered as an additional function.

And so I think there was the pressure of maintaining normal police services, and I think there happens to be a political question here, too.

If you say to the public, we're not going to police you because we have to do this other thing, you may be creating more opposition to the alternate program. You've got a desegregation program, you've got a busing program. The program may not be the most popular in the world. You are now going to take away police protection, which is a very important item, and use your manpower to do this.

So I think all of these things were in the package, and I think what happened was the decision to go to overtime was a decision that was conditioned by those factors, political and operational.

I think, however, there could have been a more careful analysis of the use of overtime. And I happen to agree with some of the comments made earlier. They did get forced into situations where people could not be easily moved in terms of the flexibility of the contract and in terms of the flexibility of the situation.

MR. ALEXANDER. Professor Fisk, would you wish to comment?

MR. FISK. Yes. Part of planning to shift from normal operations to emergency-type operations is to assign priorities to everyday kinds of services so that lower priority services can be discontinued. And unless that sort of planning is done, you can't realistically mobilize and deal with an emergency, whether it be a flood, a riot, or any kind of natural disaster.

MR. ALEXANDER. What is your opinion about the ability of the force, given its numbers in terms of person power, to be able to maintain the type of activity that's gone on this year on a sustained basis next year?

MR. FISK. The answer to that requires that you analyze each site and the personnel needs for that site, and that I have not done. But my experience indicates that an organization can go to 12 hours on and 12 hours off, thus adding 50 percent to your available manpower. Now, that's a minimal increase.

And if you can discontinue low priority services, there can be even a greater increase than that. And I would suggest that if this department is like many departments I know of, they have not done a job recently of analyzing the services they render and assigning priorities to them.

MR. ALEXANDER. What would you recommend be done for the preparations for Phase II law enforcement?

MR. FISK. Well, the most important thing that I would recommend is to make sure that they adequately analyze the nature of the task concerning them and then coordinate the efforts of the various agencies.

For example, I see the problem of taking buses into schools as a very intricate team kind of an operation, and apparently it was conducted as such during part of the time.

But the most important thing, it seems to me, is to get the agencies together, identify their tasks, and make sure that there is some ability to coordinate their efforts.

I would add to that that it seems to me that there must be some kind of a plan for deescalation of the police involvement in this, because public order in our kind of society can't come from the coercive influence of the police over a long period of time. Public order has to come from the community itself.

Mr. Alexander. Professor Galvin?

Mr. Galvin. I would agree with the more careful analysis of the problem, and I would urge a rethinking of the response. Now, I think the department has learned over the last year. I think it was obvious. But I wouldn't jump to any conclusions.

I would like to see that process formalized. I would like to see an individual assume responsibility as soon as possible for developing what I would classify as a master plan. I would like those things submitted to writing and review.

I think the present process of discussion which we have heard described is certainly a start, but I don't know how long you discuss—and the commissioner suggested—Commissioner di Grazia suggested there was some problem at this point defining roles and missions.

And I would think that would have to be done very rapidly and move on from there, because September is 2-1/2 months away.

Mr. Alexander. One final question from me.

Would either or both of you comment on the repeated suggestion in relation to Federal police presence?

Mr. Galvin. I have a quick response. I think Jim has a longer one.

My quick response is I see—it means you were responsible for that area—I see there—I don't think the Federal Government can replace local government in this capacity.

I do agree, however, that it is worth considering having a Federal presence in the sense of a Federal officer or so available to encourage the police officers that there's somebody else on the line, enforcing this Federal order.

You are going to have to face that. And too, there have been difficulties in getting convictions in regard to desegregation activities, and maybe an occasional Federal charge where it would be handled in a different way would do much for the morale and guidance of the community.

Mr. Alexander. Professor Fisk.

Mr. Fisk. I would simply reemphasize the last point made. That is, the bite of the law really comes in what the court does, and from what I understand, the local courts have not put any bite into the enforcement of the law.

That is one of the points offered as a basis for bringing the Federal authorities in, that perhaps the Federal courts will take a more serious view of the situation.

Mr. Alexander. I have no more questions, Mr. Chairman.

Chairman Flemming. First of all, I'd like to request that this part of the record of the hearing be supplied the commissioner of the Boston Police Department just as quickly as possible, and that he and his associates be given the opportunity of providing us with written comments, or if they so request, that when we resume the recessed hearing, that they be given the opportunity of making verbal comment.

I would like to make the same request relevant to the reports. Once they are completed and made available to the record, that they be made available to the Boston Police Department for their comment, either written or oral.

Commissioner Horn?

Commissioner Horn. Gentlemen, you have had the opportunity to observe a number of police departments around America. And as I recall the evolution of police forces in this country, the further west you move—at least in this century—the more, perhaps, career-oriented and professional the major urban police departments seem to be as opposed to some on the older east coast.

And I wonder, in your examination of the Boston Police Department and in your experience generally, how would you describe it on a spectrum moving from, say, the old-fashioned patronage police department of the 19th century, to the more modern, career-oriented department, such as we all know the Los Angeles Police Department is, and just how professional, in terms of recruitment, application of merit standards on entry, and application of those standards on the selection of the officers for promotion within the police department, do you feel the Boston Police Department is?

Mr. Fisk. The reason I'm pausing is because a person needs to have a substantial basis of information to answer a question like that, and the kind of answer I would have to give you would be an answer that deals solely in reputation. Now, I'm not sure that's fair.

Mr. Galvin. I would be willing to respond to it in a very cautious way. I think your phraseology in terms of "career-oriented," I don't think there's any question that the Boston police officer is career-oriented. The question of professionalization is another word.

Indeed, one of the things that the Boston Police Department has is long experience.

Now, this department has had a checkered history as I referred to earlier in the game, as have most departments. It is a department which has large numbers of men per thousand. This is a relatively small, traditional city. It employs foot patrolmen as a regular task, then moved into cars, now going back to foot patrolmen, this sort of thing, because of the community relations question.

In the last 2-1/2 years, there have been a number of attempts to bring in the sort of things that are common on the west coast. The discussion of the sergeant's promotion exam for the first time using an oral.

You also have to understand that the Boston Police Department, its civil service is under State control. It is not a local civil service commission. All police officers in Massachusetts are selected through that process. The State civil service has never seen fit to go in that direction. So its personnel management is pretty well governed in that regard.

Seniority has been a heavy issue, and not in a contract sense, but it has been a heavy issue.

Since the contract has come in, there have been a large number of disagreements on reforms, if you would. And as I understand it, somewhere around 100 grievances have been presented within either the labor relations or the courts within the last year or so, and many of those deal with things that California policemen would consider accepted.

For instance, the last contract request of the BPPA was to allow only for two-man cars. Now, west coast police departments would view that as a very limiting thing. Not that you have to have all one-man cars, but that sort of thing is fought because that isn't the way they do things in Boston.

So it is certainly an eastern police department. If you happen to like eastern police departments, then that's what it is.

Commissioner Horn. Yes, Professor Fisk?

Mr. Fisk. I had an opportunity to observe the operation of the Los Angeles Police Department rather carefully, rather closely, being on the commission.

Now, our commission consists of five men who, by charter, are the head of the department, who are appointed by the mayor. We have a chief of police who did not have a contract for a given number of years, but who serves until he reaches retirement age or decides to retire, or is removed cause. Now, I suppose you know we have a rather strong-willed chief of police.

And the significant comment I would make at this point is that—the contrast that I make rather quickly is the strength of the partisan political influence here as compared to the almost total lack of partisan political influence in my organization.

Commissioner Horn. Let me ask, pursuing the effect of collective bargaining on police departments especially as they deal with matters of desegregation which require often specialized training, many extra hours, just as perhaps a civil disturbance generally would require, do you gentlemen, as professionals knowledgeable in this area, feel that collective bargaining is detrimental to the effective enforcement of the law and the efficient utilization of police personnel in meeting crises such as those we find as the result of civil disturbances and desegregation where deep emotional involvements become obvious?

Mr. Fisk. We have an interesting contrast again between Boston and my organization, because in our department we have a history of an employees' association that goes back for 30 or 40 years. And just recently has it taken a strong hand in terms of negotiating with the department in terms of working conditions and the processing of grievances.

At this juncture in time, the kinds of issues over which we bargain do not infringe upon the ability of an administrator to run his organization.

But we are dealing with some valid issues. Policemen are finding ways to deal with their grievances in legitimate fashions now, and I think in the long run that's good. But in the process of turning this now over to Professor Galvin, we have the other extreme here.

And I think it would be better if you were to comment on that, Ray.

Mr. Galvin. You have to somewhat understand the history of the Boston police contract. The Boston police contract grew out of a very strong feeling on the part of the policemen that they were being arbitrarily and capriciously assigned to various posts. That factor developed a considerable amount of militancy. It was also tied into the question of police brutality, etc.

Now that operation and that negotiation occurred between '65 and '69, when the previous commissioner was not a very strong-willed man. He wasn't an individual who had the same, let's say, public image as the present commissioner.

During that time there was a traditional—the tradition in police negotiations that I have seen is if the city can figure out a way to give them fringe benefits and working conditions and not give them money, that's the way they'd like to go.

And there's some reason to believe that some issues were bargained away.

Now we now have one of the strongest contracts in police circles. And the union is basically saying di Grazia wants to go back to capricious and arbitrary assignment of personnel. And assignment of personnel is very important in terms of desegregation.

So those issues—and di Grazia is saying, "I need flexibility." And we are at somewhat of an impasse because of—they are at loggerheads, and both must maintain their positions to make sure they don't give any more. And there's a whole history of this.

Pardon me. Commissioner di Grazia referred to the fact that there was a grievance about using policewomen, or a grievance about using black officers because the statement in fact is, under the contract, that overtime must be distributed on a fair and impartial basis with each individual.

Now, if you need a black officer and he only comes up once every 85 times, you can't do that. So there's pressure to go that particular route.

They had grievances dealing with the assignment of women to the schools. And it goes on and on.

Now, is that a question of unfairness or is that a question of arbitrariness? I don't know. It's that sort of a situation and they are in the middle of it. The contract is strong. They have a strong commissioner who disagrees with their interpretation, and I think that, in itself, affected the choice of options, his ability to do things.

Commissioner Horn. Now this last question is a delicate one, and obviously there is a fundamental matter of first amendment rights involved.

But I'm interested in what is your professional judgment as to the appropriate role of the media, particularly the electronic media, in the middle of a civil disturbance, if you would describe what occurred outside South Boston High School as a civil disturbance.

But in the middle of disturbances that are related to desegregation, where emotions are deep, violence occurs and other types of hostility, what is the appropriate police response to coverage by the media?

Mr. Fisk. Well, I can cite two examples in my experience.

We, on occasion, about 4 or 5 years ago, sought to serve some warrants of arrest in the headquarters of the Black Panthers. Now, one mistake that we made was not to provide for press coverage.

We discovered—and it shouldn't have surprised us—that we didn't have much credibility in the black community. As a consequence, that community was willing to believe the very worst of us.

And since there wasn't press coverage at that event, the community was poorly informed and chose to believe the worst of us.

But on the other hand, I can recall a working relationship we had with the press shortly after the assassination of Martin Luther King. We were very much concerned about the prospect of burnings in our city. And we asked the press—particularly the radio—not to give a continuing account of fires, so that we wouldn't encourage spectators, nor would we suggest to people that they start more fires.

But it is true that the presence of the press and the presence of crowds of people tends to attract more. And that of itself is one of the major causes of a riot: the presence of people, the potential for conflict.

Mr. Galvin. A quick response. I assume you are referring now to the question of the number of newsmen, etc., on the scene. That was my general—

Commissioner Horn. That's right. There is a critical mass. Is it unreasonable of the police department to impose certain rules? What is appropriate, given the first amendment, also given the responsibility for furthering public order?

Mr. Galvin. I think—I don't want to fall back on some kind of public security, because it smacks too much of national security. But I think when you are on the street and have an operation going, I think there have to be arrangements with the press, whether it be pooling or whatever else, that you simply can't have—I don't know whether it's accurate, but Commissioner di Grazia said this morning, he said that 80 out of 300—somebody said 80 out of 300—maybe it was Barry—okay, 80 out of 300 people were press.

I heard the commissioner one time say the press rushed in when the buses came forward. I don't know if it was the testimony today. But it strikes me that 80 people rushing forward can look like somebody's rushing a bus.

So I think you have to have some sort of guidelines and control. Now, I don't think you bar the press. I think you have to work out a pooling arrangement where they can get their information and go forward in that regard.

I don't want to stop them from recording the situation at all in that sense, but I do want them to understand that there is a physical presence problem which can contribute to public safety.

Commissioner Horn. And perhaps pooling or something like that might be one solution.

Mr. Galvin. Yes, pooling seems to be a—if you are going to have 80 people. If you only have five, you don't have to pool. You have to be realistic about this. But if you really have that many people, I think you have to pool the operation.

Mr. Fisk. I have one more observation. Part of the planning for an event of this sort is to have a press officer and to have some kind of arrangements that really are worked out in advance, continuing arrangements with the press.

Now, another dimension of the South Boston High School situation is this: That if the police had anticipated the need—and they should have—to establish a perimeter beyond which spectators could not go, and the perimeter should have been at a point where they could not have thrown objects at the buses—if they had established a perimeter, and arranged for the press to be within that perimeter, clearly identified, it would not have had the confusing impact as it must have had.

Commissioner Horn. Did you discover in your examination of the planning of the Boston Police Department in Phase I, and anything you might know about Phase II, that there was adequate planning for relations with the media and how they were to be serviced during some situations?

Mr. Fisk. No, I did not.

Mr. Galvin. I did not run across it. That doesn't mean it wasn't there.

Commissioner Horn. We might ask the commissioner to comment on that when we send him the testimony, if you would.

Chairman Flemming. Commissioner Rankin?

Commissioner Saltzman?

Commissioner Saltzman. A very brief question, please.

In the preservation of order, Professor Fisk, you defined the posture of the police as possibly an aggressive stance.

Does this include and is it appropriate for the police to identify those individuals who are inflammatory and inciting in their impact, and then the times where a demonstration is on the threshold of becoming an illegal and disorderly mob, to remove such individuals? Is that kind of action appropriate?

Mr. Fisk. It's not quite that simple, of course, because before the police can remove that person there must be a violation of the law involved.

Now, my statement was prevention of disorder by aggressive tactics on the part of the police. And this is not responsive to your question.

I would like to add this, though, in any event: I think it is a mistake for the police to perceive of themselves as contributors to disorder simply because they adopt an aggressive, intimidating stance. And the stance I'm talking about is one which makes it very clear to a person who would violate the law, that if he does violate the law that there's going to be some bite to the enforcement—lawful bite to the enforcement.

Commissioner Saltzman. But it's inappropriate, even though the police intelligence may have identified a person who is inflammatory in his impact, to remove him prior to his doing anything?

That is not what you mean by aggressive.

Mr. Fisk. No. I would add, though, that if you do know of such persons, that the presence of a policeman nearby who is observing him could serve as a deterrent.

Commissioner Saltzman. The second question. You indicated that public order has to come from the community, and of course, that is the reality and spirit and nature of a democratic society.

What steps would you suggest that the police department itself might foster to encourage that kind of spirit in the community? Is there any specific responsibility within the area of the police department for this spirit?

Mr. Fisk. Well, my understanding is that prior to the actual beginning of school, the police did try to plan with the community, and in South Boston they were unsuccessful in working with the community.

Now, we heard of an officer whose name I don't recall, the juvenile officer at Columbia Point, who I think epitomizes what we're talking about.

He's a person who's been able to build up trust, mutual trust in the community, and I suspect if he would set about exercising his leadership with the youth themselves in the schools, that something very significant would have happened.

Now, I know that Judge Garrity in some of his comments tried to encourage planning at that level. And it seems to me that until you start to plan at the level of the youth themselves—and we've found by experience—I know Mr. Buggs has with his experience—that youth really are more pliable than some of us who are older, but we are not going to solve this from the presence of the police. We will administer some aspirin, but we're not going to administer any cures.

Commissioner Saltzman. Thank you.

Mr. Galvin. I would like one comment on that.

The only issue—I would make sure we did not try and think that the police could handle that sort of situation. They can help it, they can assist in it, but really what you have is a community—I don't know—a community feeling which is opposed to another act and the police really happen to be in the middle.

They can help to smooth it over. In some areas they are going to be able to work it out very well. There were a number of community relations officers in schools who performed very well according to the school people in terms of solving these sort of problems.

But the police can't solve that one by themselves. There's just no way.

MR. BUGGS. I find it a little interesting to refer to Mr. Fisk as "professor" after having called him "chief" for a long time.

You and I, as you well know, talked on more occasions than either of us can remember before, during, and after the Watts riot regarding an issue which really has not been mentioned here, and I'd really like your reaction to it. And that is the long-time preparation of police officers in terms of dealing with problems that have racial overtones.

We, as you may recall, had worked together on that in Los Angeles for several years prior to the riot in '65, and there was some question at the time of the riot as to what extent had that training been sufficient to provide for the people of the communities affected the kind of understanding coercion, if you will, that was necessary in that kind of situation.

And the question is whether or not you discovered such a program here or a desire to have such a program in the Boston Police Department?

MR. FISK. Training happens to be the area that Mr. Galvin investigated.

MR. GALVIN. Might I respond? At the recruit level, the Boston Police Department are presently engaged in a training program that must certainly rank high in terms of the scale that Commissioner Horn suggested. They are moving ahead. But that is going to be a very, very slow process because you have a large department, and with all due reference to Chairman Flemming, the officers do not retire very early—there's a very low turnover.

Now, that program, if it is carried out along the lines that it is presently being carried out, should in time have a significant effect on officers. It is a program which deals with conflict management questions, with crisis intervention, with a great deal of community involvement in the training process, and I think the program shows a lot of hope for the future in that regard.

CHAIRMAN FLEMMING. Thank you, both of you, for the time you have put in and for the information and conclusions that you have presented to us. We are indebted to you. Thank you very much.

The hearing will be in recess for about 15 minutes.

[Recess.]

Chairman Flemming. The hearing will resume.

I would like to make at this point a statement on behalf of five of my colleagues.

As a part of this hearing, the staff of this Commission scheduled and the Commissioners approved the presence, under subpenae, of three representatives of the Boston news media.

This is the first time in its history that the Commission issued subpenae to representatives of the news media.

Prior to the time required by the subpenae for his appearance before the Commission, Mr. Robert Healy, executive director of the *Boston Globe*, sent a communication to the Commission Chairman.

In that communication, Mr. Healy explained that he had provided all information requested to the Commission staff in their interviews with him in connection with their preparation for this hearing.

Mr. Healy stated that while he had no objection to voluntarily providing the information sought, as a newspaper editor he considered it a violation of his rights under the first amendment to the Constitution to be required by subpena to appear before this Commission or any government body for the purpose of being compelled to answer questions relative to the coverage of news.

The Commission has had the point of view expressed by Mr. Healy under advisement.

Five of the members of the Commission have decided to keep it under advisement until such time as this hearing is resumed. Our reason for keeping it under advisement is that we feel that a very basic, fundamental issue of both procedure and substance has been raised.

We desire to have the benefit of research on the part of our legal department before we make a decision.

In brief, the Commission has this matter under advisement. The Commission will consider further on the basis of research conducted by our legal department. We will arrive at a decision. We will make our decision public when we return to Boston for the purpose of continuing this hearing.

What I have just said represents the point of view of five of the six members of the Commission.

At this time, I would like to recognize Commissioner Horn for a statement.

Commissioner Horn. Thank you, Mr. Chairman. I am delighted that my colleagues will study this matter further.

I disagree with the actions of my colleagues, however, with respect to the handling of the subpena issued to Mr. Robert Healy, executive editor of the *Boston Globe*, and several other representatives of the media.

I think it is important to provide my reasons for such disagreement at this time.

One of the purposes of the United States Commission on Civil Rights is to gather information concerning denial of equal protection of the laws. For this and other reasons, the Commission came to Boston to conduct a hearing into the effectiveness of Phase I and Phase II of public school desegregation as ordered by the Federal district court.

Pursuant to our responsibilities and past Commission practice, a cross section of more than 100 witnesses who represented a wide spectrum of community opinion were subpenaed. With the exception of the members of the Cabinet, it has been standard practice during my 6 years on the Commission to subpena witnesses partly for their own protection.

The issuance of a subpena does not imply a prejudgment by this Commission as to the assumed hostility of any particular witness, although on occasion witnesses have been hostile or reluctant, because of threats and for other reasons, to appear.

In its quest for information and understanding so that the Commission might properly make its findings and recommendations to the Congress and the President, we have sought to understand the principal forces and groups at work in a community that pertain to the effectiveness of the community in meeting its obligations under the Constitution and relevant Federal laws, executive orders, administrative regulations, and court decisions.

It was pursuant to that purpose and approach that our Office of General Counsel recommended, and the Commission agreed, to have a panel on community leadership, private sector, during its Boston hearings, and to invite among others several representatives of the print and visual media to share their views on Boston's desegregation experience with us.

Representatives of the business and religious communities and higher educational institutions appeared on Tuesday afternoon, June 17, 1975. During the hearings, various leaders of community and school organizations as well as elected and appointed school, city, State governmental officials, were also subpenaed to appear and share their experiences with the Commission.

Of the 105 witnesses subpenaed by the Commission for its weeklong Boston hearings, 5 challenged the Commission's subpena. Three—Thomas Johnson, Patricia Russell, and Nancy Yotts—quite properly appeared before the Commission and, as is their right, invoked various constitutional objections as a basis for their refusal to respond to questions raised by the Commission and its staff.

One subpenaed witness, State Representative Raymond L. Flynn, refused to honor the subpena and did not appear when called. The Commission, also quite properly, directed that the matter of enforcement of the subpena be referred to the United States attorney.

The fifth witness, Mr. Robert Healy, executive editor of the *Boston Globe*, refused to honor the subpena and did not appear before the

Commission to assert the constitutional objections which he had a perfect right to invoke.

I understand that other representatives of the media were willing to appear.

As previously indicated, the media panel was originally scheduled for 2:30 p.m. on Tuesday, June 17, 1975. Extensive discussion of this issue occurred within the Commission during the past week. It would not be essential to describe the various issues and decisions which were made, except to note that when the media panel was postponed from a time certain of 2:30 p.m. on Tuesday, June 17, 1975, while discussions were occurring between Commission and its staff, Mr. Healy and his counsel, the subpena lapsed.

A majority of my colleagues were convinced, as has been indicated by the Chairman, that a mistake had been made in issuing a subpena to a member of the media and refused to issue a new subpena. It is that decision with which I disagree, and I believe I should state my reasons for my concern at this time.

There are two aspects in this decision of the Commission which concern me.

The first aspect is a matter of Commission procedure. I believe that when the Commission has validly issued a subpena, that witnesses who refuse to testify should be required to appear before the Commission to provide their reasons, and if they desire, to invoke their constitutional protections.

Three of the five reluctant witnesses did so appear and invoked various constitutional protections as was their right. The Commission has under advisement their refusing to answer its questions. Memoranda are to be submitted to the Commission by counsel for these witnesses, and the Commission will review this material and memoranda from its Office of General Counsel prior to making a decision first as to whether or not contumacy has been committed, and second as to whether or not the matter should be referred to the United States attorney so that court enforcement of the Commission's subpena might be requested.

Representative Flynn, an elected State official, did not appear. The Commission referred the matter to the United States attorney.

Mr. Healy of the *Boston Globe* did not appear. No memoranda, at this point, as to the constitutional issues involved have been exchanged. The Commission simply refused to take any further action until today, when it has made a decision to take the matter under further advisement.

I believe that all individuals and all representatives of institutions should be treated similarly under the Constitution.

I believe Mr. Healy has a perfect right to invoke the first amendment, but I also believe he should have done so before this Commission.

The second issue concerns substance and the right of a government agency to secure the information it needs to make its findings and recommendations to the Congress and the President.

It is that issue that my colleagues today have decided that they will have a further exchange of memoranda on within the Commission, and possibly with other outside parties.

I believe that the United States Commission on Civil Rights cannot properly understand what occurred in Boston during Phase I, or what might occur during Phase II, unless it also understands the activities and the processes by which the print and visual media are involved in covering the process of desegregation.

I would agree that the media have a right to invoke, and I would support them should a governmental agency query them on specific incidents or matters of news or editorial judgment.

However, the media are not invisible participants in the process of desegregation. They are vital and obvious actors on the stage, just as are the community's other leaders, the police, the teachers, the students, the parents, among others, and we have heard from all of those.

It is essential that this Commission understand the problems encountered by the media in covering a process of change that all too frequently has involved violence and subversion of the law.

Testimony has been received by this Commission as to "the balance" of coverage during Phase I. It is the general feeling of several witnesses and this Commissioner, speaking for myself alone, that the Boston desegregation process was handled in a more responsible way by the local than by the national media, although I believe one witness disagreed with that. The *Boston Globe* in particular has received national recognition for its positive role.

Mrs. Gloria Conway, publisher of the *Charlestown Patriot*, did appear as part of a panel of parents and leaders to discuss the problems and opportunities for desegregation in Charlestown. She, too, quite properly noted her first amendment rights with regard to the specifics of news coverage, but she provided, in my judgment, valuable insight for at least this Commissioner on the more general aspects on news coverage.

I am grateful for her comments. I only wish that Mr. Healy, other media representatives, and my colleagues could have had a similar on-the-record exchange as a basis for our findings and our recommendations to the President and Congress.

I think the Commission will regret that it has decided to differentiate between individuals and institutions in the invocation of constitutional rights.

Well, may I add, as the Chairman noted and I have mentioned several times in my statement, the Commission will take under further advisement its later decision on this matter. .

My concern is primarily one of procedure this week, that those rights which I agree they have a perfect right to assert should have been asserted before the Commission, and then the exchange of memoranda occurring.

Chairman Flemming. Commissioner Horn has very effectively identified the issues that are before us as a result of the receipt of the communication from Mr. Healy.

Again, I want to simply underline the fact that the five—my five colleagues—my four colleagues and myself have not made a decision as of this point on the issues that Commissioner Horn identified. We are asking for our legal department to provide us with an indepth document dealing with this very, very, basic and fundamental right.

We will weigh that and then we will make a decision. I don't want anybody to think we are not going to make a decision on these issues that Commissioner Horn has very effectively identified. We will make decisions on both of them. They will be announced in public when the hearing is resumed, and of course, will be made a part of the public record.

I would now like to ask Counsel to call the next witness.

[Pause.]

No—I'm sorry. No witness has been called yet. I'm sorry.

Mr. Stocks. Representative Raymond Flynn.

[Whereupon, Raymond L. Flynn was sworn by Chairman Flemming.]

Chairman Flemming. Thank you.

TESTIMONY OF RAYMOND L. FLYNN, MASSACHUSETTS GENERAL COURT, SEVENTH SUFFOLK DISTRICT, CITY OF BOSTON

Mr. Stocks. Mr. Flynn, would you please state for the record your name, address, and your position in the State legislature and the district you represent?

Mr. Flynn. Raymond L. Flynn. Member of the Massachusetts General Court from the Seventh Suffolk District in the city of Boston. I reside at 1 Flint Place, South Boston, Massachusetts 02127.

Mr. Stocks. Would you please characterize for the Commission the reaction of your constituents to school desegregation as ordered under Phase I?

Mr. Flynn. I'd be happy to, Mr. Counsel, and members of the Commission, but if I can, could I just clarify the record for my own point of view?

I just heard Mr. Horn, I believe it was, and Mr. Flemming, downstairs on the intercom, and I'm concerned about the official standing here.

I think there has been some misunderstanding, and if it's all right, I'd just like to read a letter—two letters that I sent, one directed to this Commission which apparently has not reached here or hasn't been read. If it's okay with you.

Chairman Flemming. Perfectly okay.

Mr. Flynn. Thank you, Mr. Chairman. Mr. Counsel.

The first letter that I received—of course, the first I heard of this was a subpena received on Monday, June 9, 1975, while I was in the Massachusetts legislature debating a very significant and important bill, not only to the people of my district, but to the entire Commonwealth of Massachusetts, at which time the entire membership of the legislature was somewhat upset for not only me receiving the subpena, but the exact position where I received the subpena.

So I brought this matter before the official counsel for the house of representatives and the counsel for the Massachusetts Senate. They then decided that I should perhaps send the following letter to the President of the United States, which I have, and it reads as follows:

> Dear President Ford, the Massachusetts constitution clearly states that a duly elected member of the great and general court's primary obligation is to represent the people of his district in the Commonwealth while the State legislature is in session. This is part 2, chapter 1, section 3, article 10.
>
> This section of the constitution further states that a member of the general court is immune from service or process, arrest or detainment while the general court is in session.
>
> The United States Commission on Civil Rights, an agency of your executive branch, are presently conducting hearings in the city of Boston on possible desegregation violations.
>
> On Monday, June 9, 1975, while the Massachusetts House of Representatives was in formal session, a United States deputy marshal entered the house chamber and served me with a subpena, ordering me to appear and testify before the United States Commission on Civil Rights on Thursday, June 19, 1975, at 11 a.m.
>
> I bring this matter to your attention insofar as I am limited from taking this problem to the State's attorney general or the local court, as they do not have jurisdiction with the United States Commission on Civil Rights, a Federal executive agency.
>
> I feel this matter is of significant importance, not only to me personally, but in terms of what appears to be an intrusion of the Federal Government into the legislative business of the Commonwealth of Massachusetts.
>
> The subpena by the United States Commission on Civil Rights to appear and testify while the Massachusetts Great and General Court was in session, may be of much smaller political consequences than the controversy surrounding the Watergate tapes, but in my judgment is of equal legal magnitude.
>
> I therefore urge you, through Executive order, to relieve me of my obligation to appear before said Commission at the above-men-

> tioned time and place, in order that I may perform my obligation under the State constitution to the people of my district and the Commonwealth of Massachusetts.

The second letter that I would like to read is a letter dated June 18, 1975, directed to the Chairman of the United States Commission on Civil Rights, 141 Milk Street, Boston, Mass.

> Dear Mr. Chairman, I respectfully submit that I will be unable to appear and testify before the United States Commission on Civil Rights on Thursday, June 19, 1975, at 11 a.m., at the John F. Kennedy Federal Building.
>
> The Massachusetts constitution clearly states that a duly-elected member of the General Court's primary obligation is to represent the people of the district and the Commonwealth while the legislature is in session.
>
> While I am not unwilling to appear before the Commission, as the Massachusetts Legislature is in formal session, I would be happy to testify at a time when the legislature is not in formal session, and a subpena not being necessary.

If I could, I'd give this to you.

Chairman Flemming. May I ask—to my knowledge, I did not receive that letter and have the opportunity of reading it.

May I ask the Staff Director whether or not that letter was received by anyone associated with the Commission?

Mr. Buggs. Mr. Chairman, I inquired of several staff members, not all. No one to whom I raised the question had seen or heard of any such letter.

Chairman Flemming. What is—I noted it was a Boston address. What is that address? Do you know?

Mr. Stocks. That address is the temporary staff address in Boston.

However, it's unlikely, Mr. Chairman, if it was dated the 18th that it would have been delivered on the 19th.

Chairman Flemming. So that as one who has been working in that office, that you were not aware of the receipt of such a letter?

Mr. Stocks. We were not. Our experience with the U.S. mail in that office is that it would not be delivered within 1 day.

Commissioner Saltzman. May I ask a point of clarification?

Is it our responsibility—the service of a subpena, the time and place of the service of a subpena—is that under our responsibility or the marshal?

Chairman Flemming. The office of the U.S. marshal.

Counsel, you may proceed now.

I just want to clarify the fact that apparently that letter was not received. If it had been, Representative Flynn, I'm sure someone would have gotten in contact with you relevant to a more convenient time.

Mr. Flynn. The time, of course—the reason why I addressed it to 141 Milk Street is because that is the address that is on the subpena here. In addition to that, it says, "June 19, 1975 at 11 a.m.," right on the subpena.

And it wasn't until today that I found out that someone apparently had changed the time from 11 o'clock when we were in session to another time yesterday afternoon, but nobody notified me that there was a change in the time.

Chairman Flemming. Okay. Counselor, how do you want to proceed? Would you like to proceed with the questioning in the light of the communication that Representative Flynn has inserted in the record at this point, and particularly in the light of that second letter?

Mr. Stocks. We would.

Chairman Flemming. Okay.

Mr. Stocks. Mr. Flynn, we will go back to the first question, if you don't mind.

Would you please characterize the reaction of your constituents to the court-ordered school desegregation under Phase I to the best of your knowledge.

Mr. Flynn. The initial reaction, of course, from the constituents of my district was probably the same as it was to any section of the city of Boston that experienced a similar order.

And I think that—and I predict—that it will receive the same type of feeling that the Phase I order did in South Boston in Hyde Park, parts of Dorchester and Roslindale, as Phase II will receive in Charlestown, Brighton, other sections of the city of Boston that are severely affected under the Phase II order.

I think it was certainly one that many people had been talking about for a number of years, but I think most people had a little bit more confidence in government than what they were led to believe in thinking that such a situation could happen within their city and in their neighborhoods.

Mr. Stocks. Do you have an opinion as to the responsibility of the members of the State legislature in regard to his position in the State legislature and school desegregation in Boston?

Mr. Flynn. Well, my responsibility in the legislature on behalf of this whole situation, I think it probably starts in 1965 as far as Massachusetts is concerned, with the racial imbalance law, so I think that is perhaps the reason why this very suit, the *Morgan* vs. *Hennigan* suit, was even initiated in the Federal district court, was because of the State racial imbalance law, which passed our general court in 1965.

I think that's the reason the suit was initiated, because there was a number of people who felt that the legislature in the city of Boston was not moving fast enough and therefore they should address this problem to the Federal district court.

And I think that's how it initiated.

But since I've been in the legislature since 1970, I think the biggest—obviously, the biggest responsibility and the most time-consuming project that I've ever been involved in is the project of trying to appeal the racial imbalance law or substantially amend it so it would take out the aspects of the forced busing.

And I think that it's very important for this Commission to be aware that in 1965 when this law passed the Massachusetts Legislature, it did almost overwhelmingly, and efforts were made to repeal the law several years after that unsuccessful.

However, when it came down to the reality of forced busing coming to the city of Boston and the city of Springfield, I think what we saw then is many legislators from across the Commonwealth of Massachusetts, suburban as well as city, and liberal as well as conservative and moderate legislators all voted to repeal the racial imbalance law.

So my responsibility has been one to organize the people of my district, and in a degree also the people of the city of Boston in going to the Massachusetts Legislature the last 4 or 5 years, meeting with legislators, meeting with the Governor, Governor Sargent, Governor Dukakis, and urging them to support legislation to repeal the racial imbalance law because of what we felt would be a disruptive effect on the educational process in the city of Boston.

I might say that last year, the Governor of the Commonwealth might be categorized in many respects, certainly nationally, as a liberal Governor. He saw fit to amend the racial imbalance law to comply with some of the things that we were talking about, the things being taking out the mandatory busing.

So my responsibility to answer your question directly, I think it's been one which has been a legislative function to bring about the end of forced busing in the city of Boston through legislative means.

Mr. Stocks. Mr. Flynn, a number of pieces of proposed legislation have been introduced into the Massachusetts Legislature even after the court-ordered school desegregation to repeal the racial imbalance law.

What do you understand would be the effect if that legislation were to pass on the school desegregation in Boston?

Mr. Flynn. Well, I think it's very important, despite the fact that we're dealing within the State legislature, and this perhaps cannot be resolved on a city and State level. It only can be resolved on a national level in the halls of Congress or in the higher court.

I think that it's very, very important, because I think that the whole issue is surrounded with politics. I think politics plays a very important role in this whole situation.

I think that once it has been established that opposition to forced busing doesn't only come from Pontiac, Michigan, or South Boston, Massachusetts, or Charlotte-Mecklenburg, or Denver, or San Francisco, I think once it's established that opposition to forced busing—and it's not so much opposition to forced busing that's the principle at stake here. The principle at stake here with me is an intrusion by the Federal Government right into the homes of people and deciding to tell those people where their children are going to go to school.

I think this is where the real issue lies, and I think it's very important, every type of legislation resolve—I will be working to get resolves passed through city councils that aren't even affected by the court order because I think that it brings about a great deal of pressure. I think it sends a message loud and clear to the members of the Congress, to the courts even—the principle.

I recall a famous person in American History saying that members of the Supreme Court also read newspapers.

I think that's very important, because I think that now it's no longer opposition coming from a small group of people and coming from certain sections of the city or the country. It's coming loud and clear from all sections of the country.

Just last week we passed an amendment which almost took us, working around the clock, for 3 consecutive days, and we are prepared to sustain a filibuster which would have kept us in the legislature 24 hours a day. And the reason for that is the amendment would have prohibited or the denial of public school children to schools on the basis of race, color, sex, or creed, despite the fact that this would be an amendment to the State constitution by virtue of it getting on the ballot in 1978.

It would have been quite significant to the prestige of the busing movement, because I think it would prove that opposition to this order is coming from every section and from all people.

Chairman Flemming. Thank you very much, Representative Flynn.

I recognize Commissioner Horn.

Commissioner Horn. Mr. Chairman, I move that the Commission's action of several days ago to instruct the staff to consult with the United States attorney with regard to the enforcement of this Commission's subpena to assure Representative Flynn's appearance be revoked.

Commissioner Freeman. I second the motion.

Chairman Flemming. Moved and seconded.

I would just ask each member of the Commission who is here to vote on the motion.

Commissioner Freeman?

Commissioner Freeman. Aye.

Commissioner Horn. Aye.

Commissioner Saltzman. Aye.

Chairman Flemming. The Chairman also votes "aye."

We appreciate having the benefit of your views and we—our whole desire is simply to develop a record here which does reflect the views of persons who obviously have arrived at different views on this issue.

So we are very appreciative of your being here with us this afternoon.

Mr. Flynn. Thank you, Mr. Chairman.

Chairman Flemming. All right.

Counsel will now call the next witness.

Mr. Stocks. Mr. Joseph Lee.

[Whereupon, Joseph Lee was sworn by Chairman Flemming.]

Chairman Flemming. Thank you very much.

We appreciate your being here.

Just before you begin, I would like to remind you—and I'm sure other witnesses that are going to appear are probably either in the audience or are watching it over closed-circuit TV.

In my opening statement, when this hearing opened on Monday, I said that the witnesses we will hear have been subpenaed by the Commission and the schedule has been planned in advance.

However, I said there will be a session at which persons who have not been subpenaed but feel they have relevant testimony may appear and speak.

Persons who desire to appear at that session must contact the Commission staff in room 1509 of this building.

Appearances will be allotted on a first-come basis, and each person will be allowed 5 minutes until, we said then, the 4 hours are exhausted.

Now, we have a fairly long list of witnesses, and I just want to say at the beginning that I'm constitutionally disposed not to cut persons off when they are expressing their points of view on major issues.

But I do feel that fairness to what I understand are 18 who want to be heard, that I must enforce the 5-minute rule, and so I will ask witnesses when I tap the gavel here, if they will complete the sentence and then make it possible for the next witness to appear.

Now, I'm not counting this against your 5 minutes. Your 5 minutes begins at this particular point.

Mr. Lee.

STATEMENT OF JOSEPH LEE

Mr. Lee. I will do the best I can for speed.

I served on the Boston committee for 20 years, not all in the [inaudible] but spread out starting in 1938, getting through in January 1972. And my father served 10 years before me, the same name as myself, and known as the "father of the American playground."

I admit I'm prejudiced in this case. I was born to the chimes of the Charles Street [inaudible] Methodist Episcopal Church, and I grew up on the edge of the Negro section of Boston [inaudible] by Negro folks which is just beyond those tall buildings, and I now live in the same—middle of where the Negro folks had lived and only two houses away of the present Negro museum, originally a church, and from the first school in America built by Negroes with Negro money exclusively for Negro children.

And my prejudice is increased by the fact that my uncle, my great uncle, was a leading abolitionist of the last century, Thomas Quentin

Higginson, who smashed in the door of the jail to free the fugitive slave, Anthony Burns, and who then conspired with John Brown to start an insurrection of slaves in the South at Harper's Ferry, and then was commissioned by President Lincoln as a colonel of the first all-black regiment in America, about which his book is now a classic, and considered [inaudible].

So I am a little prejudiced in favor of our Negro fellow citizens. I want to correct about two things if I can get them in in the time allotted.

There should be no claim to inequality in the treatment of the races in the Boston schools. That ended 12 years ago, in June of 1963, when the NAACP came before us and asked for 10 improvements for Negro education in the classroom and we voted all 10. The expense has been enormous. We paid 50 percent more per Negro child than per white child in the Boston schools.

It wasn't just this expense for the favoritism of the Negro youngster, and it was a well-deserved favoritism voted unanimously by all of us, but we gave seven-, eight-, and nine-tenths of our time to these problems in the face of the most terrific turmoil from racial snobs in the suburbs whose voice is the *Boston Globe*, and who fumed and sputtered more and more every time we did more and more for the Negro youngster.

The Boston school system has been turned around and built over in the image of the Negro child, and then my foolish young cousin, Elliot Lee Richardson, who was then Commissioner of Health, Education, and Welfare, wrote and said, "Let's have more equality in Boston," instead of coming here to learn about civil rights himself.

I finally wrote back. I said, "If you say anything more like that, we'll take you at your word. We'll reduce the Negro to getting no more of our attention, no more of our personnel, no more of our finances than the white youngster gets, and what's more, we'll treat him like an equal in the classroom. We'll make him toe the mark like the white kids. We won't excuse or pamper and indulge. Now, if you want to keep on with your talk," I said to Elliot, "you'll certainly get your way. That's a promise."

But powers higher than myself then wafted him away to some other Cabinet post, but his mischief still persists.

But let it be known that the school committee has discriminated [inaudible]—it stands in the record—in favor of the Negro child who certainly needed a boost, and God bless the school committee.

The second point I want to make is that anybody who says that the Boston schools are segregated or have segregation, *de facto* or otherwise, is uttering a lie so vile that it will smirch with dishonor his own mouth.

As I told you, the Negro folks lived over here, have for 100 years and more, beyond those buildings there. And then of their own accord, in the early 1900s, ending about the time of the end of World War

I, they moved to the fashionable part of the city where the Prince of Wales had been entertained, the South End, and also to—

Chairman Flemming. I'm sorry, Mr. Lee, but the—

Mr. Lee. And you can call the joining of Negro people or anybody else with other people and they're welcome into the [inaudible] schools and the South End schools, and they are being joined together with the pupils there. If you can call joining segregation, idiocy has reached a new depth in this city.

Chairman Flemming. Mr. Lee, may I say that if you have additional written comments, if you give them to the attorney, we will be very glad to include them in the record, or if you want to give him orally some additional comments, he will make a note of it so that it is included in the hearing.

Thank you very much, and I will ask Counsel to call the next witness.

Mr. Stocks. Dr. Frances Jacobs.

[Whereupon, Dr. Frances Jacobs was sworn by Chairman Flemming.]

Chairman Flemming. Thank you. Nice to have you with us, and you undoubtedly heard my comments on the 5-minute rule.

Now, you have a prepared statement, and of course, we will include the entire statement in the record, because it's clear that will take a little longer than 5 minutes. But you use the 5 minutes there, any way you think best.

STATEMENT OF DR. FRANCES JACOBS

Dr. Jacobs. I will cover some of the recommendations which I have thought about after listening to testimony during this week. I guess I am testifying because like so many people in this room, I consider Boston my turf. Only I kind of look at it perhaps a little differently, inasmuch as I have gone to different communities and I don't feel that any one segment is Boston, but together we really have a great city and we do need to work together to keep it that way.

I'm going on the premise that laws should be violated. I don't feel that law is negotiable. I think we can change law if we disagree with it. But I start with that premise.

And with that premise, I'd like to consider two types of policy recommendations. The first, a recommendation which perhaps we should consider immediately before school start. And the second type are policy recommendations that perhaps should be considered after school starts, if time doesn't allow it first, to start earlier.

I feel that the Commonwealth has a compelling interest in reducing violation of civil rights laws, and in maintaining an orderly and peaceful city. I think this can only be achieved when firm efforts are made to inform the citizenry to fully enforce and support federal and state laws on equal rights.

In terms of my first priority recommendations, many of these are not at all original; they were suggested in this room by other witnesses during the week. I think first we need immediate clarification of the role of Federal and State Government in the municipal school desegregation process. And I believe, secondly, that we need full Federal support behind Federal law.

And in this context I think we need forceful affirmation of support of the court order, so that groups of people who are in conflict will not perpetuate this violence, when, at this point it is meaningless to try to change situation by violating law. I think Federal marshals have an important function in publicly representing a Federal presence and interest in civic order during this process. I think they should be available at the beginning of the school year, and be on call when violence needs control.

I think Federal civil rights laws, thirdly, need to be immediately implemented in Boston in areas of public accomodation, including beaches and housing, in employment, including public service jobs and laws on equal pay, and in business practices, on credit and financial services. I think also revenue sharing powers should be used, and money be withheld, when State policy or practices are not in compliance with civil rights laws.

Third, I think the Commonwealth should fully support school desegregation, as should the municipality. This is the law.

I believe in this context that laws which are our State laws, concerning disorderly conduct, truancy, or fraud, should be enforced. I think that school and municipal departments and commissions should be instrumental in increasing communication between the different groups who directly or indirectly are involved in this school desegregation, and I think that arrangements should be made so that participants in schools which have already resolved that issue of desegregation in quality education can better share insights and experiences among other schools and communities.

CHAIRMAN FLEMMING. Thank you very much. The rest of your statement will be included in the record as you have submitted to us.

Counsel will call the next witness.

MR. STOCKS. Mr. Clay Smothers.

[Whereupon, Clay Smothers was sworn by Chairman Flemming.]

CHAIRMAN FLEMMING. I think you probably heard my announcement on the 5-minute rule.

Thank you. You may proceed.

MR. STOCKS. Will you introduce the gentleman with you for the record.

MR. SMOTHERS. Mr. Jerome Riley.

MR. STOCKS. Is he counsel?

MR. SMOTHERS. No, he's not.

CHAIRMAN FLEMMING. Okay. Okay. Go right ahead.

Mr. Smothers, you may proceed in any way you see fit.

STATEMENT OF CLAY SMOTHERS

Mr. Smothers. Mr. Chairman, ladies and gentlemen, my name is Clay Smothers. I'm administrator of St. Paul Industrial Training School of Malakoff, Texas, located in Henderson County, Texas. St. Paul is a nonprofit, nondenominational, predominantly black private institution for extremely disadvantaged children.

I'm also host of the "Clay Smothers Report," a program of news and analysis broadcast from WRR Radio in Dallas. Additionally I am secretary-treasurer of three estates: Pearl Harbor, Ridgeview, and Deepwater Bay. Deepwater Bay, by the way, is an all-black lake resort community developed by the Smothers family, unplanned as a black community.

I'm appearing today before the Commission in hopes of contributing to your factfinding mission here in Boston, and may I offer these facts for inclusion in the record.

It's a fact that there are numerous black antibusers in the Nation, including Boston. It's a fact that there has been very little, and in many areas of the country, no leadership for this segment of blacks. The fact is, ladies and gentlemen, these blacks have remained silent because it's embarrassing to take on the strong civil rights leadership in their communities. And they have also remained silent out of fear of the extreme radical, militant leadership in their communities.

My own experience can serve as facts.

In any case, since I have this rare opportunity to speak on behalf of the other side, the antibusers, allow me to express my views on busing in Boston and busing in any other part of the country that was designed to promote integration. I think it's good to integrate. I think it's much better to educate. And is it not a proven fact that integration through busing is harmful and most assuredly unrewarding educationally?

There are those of us who are truly, truly proud of our racial heritage, and we believe to seek an education in communities other than our own is a cop-out, a cop-out that degrades us. A cop-out that discredits us as black people in general and black leaders in particular.

Some have proclaimed, and you have heard and documented their proclamations, that black communities are not provided with the resources with which to develop viable institutions. If this is true, and I'm doubtful, why hasn't the black leadership, along with this Commission and others, recommended and subsequently demanded that these resources be provided?

Instead, blacks are being ordered to travel by bus to these so-called resources, and whites are being ordered to travel by bus away from these so-called resources, and I'm willing to guarantee that blacks can get these resources and anything else they desire, merely for the asking.

Ladies and gentlemen, it's popular to be black. In other words, if black schools are inadequately financed or if it's true that the Boston

School Committee has turned a deaf ear to the needs of black students, why can't we deal with these problems?

However, I paid a visit to South Boston yesterday, and the Hart-Dean Middle School in South Boston I wouldn't dare send my black kids. It's decrepit, improper ventilation, it is not conducive to a good education.

It is important that we address ourselves to these problems, receive and utilize these resources, however, in haste, because to develop our own institutions we must do that. Because this is the beginning point where we learn to develop our own financial institutions, our banks, our insurance companies, our automobile dealerships.

The question now: Can predominantly black institutions provide an education for quality for children? If this Commission would be interested I would like to provide you, or provide this factfinding expedition of yours the names and addresses and telephone numbers of men and women who are products of the same industrial training school for which I provide the leadership.

St. Paul was founded 50 years ago, and we invite you to evaluate us through our products. Holmes Junior High School in Dallas is my idea of a quality public facility. Its black principal, Professor Theodore Lee, will have nothing less. He has generated parental interest; he has helped create in youngsters a hunger, a thirst for learning; he insists upon excellent performance from his staff; he is a strict disciplinarian; and this, ladies and gentlemen, is what a good education is all about.

Mr. Chairman, Mr. Chairman, since this Commission has not had before it a black antibuser, I have 2 minutes more of this testimony. Would you make an exception and let me finish?

CHAIRMAN FLEMMING. I'm sorry, but no, I would not be fair to others.

MR. SMOTHERS. Since Mr.—let me—please—

CHAIRMAN FLEMMING. Just a minute, Mr. Smothers. I want to be as fair as I can to all who are on this list. We will be very happy to include the rest of your statement in our published hearing.

MR. SMOTHERS. Mr. Chairman, I—

CHAIRMAN FLEMMING. If I start making exceptions—

MR. SMOTHERS. I know. Let me—

CHAIRMAN FLEMMING. —you know that I'm in trouble.

MR. SMOTHERS. Let me ask you in this context. I have—I am somewhat familiar with all of the written material, with much of the written material of this Commission. And in my view, it's preparing people for busing. Since the antibusing philosophy has never in your material been expressed publicly, then can I finish?

CHAIRMAN FLEMMING. Well, I can assure you that it will be a part of this public record. I can assure you as one Commissioner that I will read the rest of your statement. But I do feel that I must be fair to each witness.

Thank you for being here.

Mr. Smothers. Thank you. May I say, in parting, to you, as a Commission, that a good education is not a transportable commodity.

Chairman Flemming. Thank you very much. Thank you. Counsel will call the next witness.

Mr. Stocks. Attorney Jeanne Mirer.

[Whereupon, Jeanne Mirer was sworn by Chairman Flemming.]

Chairman Flemming. Thank you. Nice to have you with us.

Ms. Mirer. Thank you.

Chairman Flemming. I'm sure you are aware of the 5-minute rule.

Ms. Mirer. Yes. I have a statement which I will read portions of, and I have something that I would like to submit to the record at the appropriate time.

Chairman Flemming. We'll be very happy to have yo do that.

Ms. Mirer. Thank you.

STATEMENT OF JEANNE MIRER

Ms. Mirer. Commissioners, members of the staff, I represent El Comite de Padres Pro-Defensa de la Educacion Bilingue. El Comite de Padres was formed in early winter of 1975 as a broad-based group of Hispanic parents and educators who are interested in studying the effects of Phase I of the desegregation order on bilingual education.

In January, 1975, when Judge Garrity asked for representation of the Spanish community in drawing up the Phase II, El Comite de Padres moved and was allowed to intervene in the case as the official representative of the Spanish community.

By and large El Comite is pleased that the May 10 order made substantial improvements over previous plans for bilingual education, including the Masters Plan. One important victory for El Comite was that Judge Garrity was persuaded that bilingual assignments should no longer be considered as an afterthought to be passed on at the end of the assignment process, but that bilingual assignment should be done first, and the rest of the assignments built around the bilingual program.

This victory, however, plays an important part in what we see as a somewhat conscious school department policy to create problems wherever possible with the implementation of this plan. We must bring to your attention certain actions of the school committee and the school department which we believe are part of an overall strategy to create widespread dissatisfaction in the Spanish community with the plan, and thereby increase resistance to and hostility towards the court order and desegregation.

Yesterday, John Kerrigan in effect said that he would do anything he could to prevent the desegregation plan from going into effect, but then he added that there was nothing that he could do to prevent it. El Comite believes that there are many ways that the school department has already substantially jeopardized many of the gains made in court by El Comite for the Spanish parents of Boston, with the effect that the plans of the Spanish community may not be put into effect.

To be specific, the court's order called for a Spanish-English version of the school application booklet to be mailed to all the parents, with a Chinese edition to be sent to all people with Oriental surnames. Contrary to the court's order, the school department wrote only an English version and sent it out to all parents. The English version had instructions in several languages to those parents who wanted other language versions of the booklet to go to the bilingual department to pick it up.

And in court on May 28, we raised this problem to the court, and the court ordered that the booklets be mailed at once.

Well, the question that I have is if you were the school department and you wanted to delay this plan, wouldn't it make sense to delay in the mail the applications of those students who had to be assigned first? Perhaps it's a coincidence. But this isn't all.

I have copies here of the English and Spanish versions of the booklet, which I would like to submit into evidence.

CHAIRMAN FLEMMING. Without objection, that document will be made a part of the—your statement, and inserted in the record.

MS. MIRER. When these booklets were finally mailed, they had serious mistakes and omissions in them, and you can see from the—from the actual application forms, the actual extent of the omissions. I will just cover maybe three or four of them for time's sake.

One is that the community district schools in the plan which were supposed to have bilingual programs were not listed in the booklet, so that parents were not able to make an informed choice as to whether or not they should go to citywide or they should choose community district.

Furthermore, there was a—I guess it's a space problem, where the space which was the same space for indicating the grade level of the child, was also the same space for checking your preference for community district school. And that created a tremendous amount of confusion.

Furthermore, several of the citywide schools for Spanish children were not even in this Spanish application form, thereby curtailing the number of schools that the Spanish children could apply for. Even though they were in the booklet, they weren't on the application form.

Okay.

CHAIRMAN FLEMMING. All right. We'll be very happy to include the whole statement.

Thank you very much for being with us.

Counsel will call the next witness.

MR. STOCKS. Mr. Don Gardner.

[Whereupon, Donald Gardner was sworn by Chairman Flemming.]

CHAIRMAN FLEMMING. Thank you. Nice to have you with us. You may proceed for 5 minutes in any way you so desire.

MR. GARDNER. Thank you.

STATEMENT OF DONALD GARDNER

Mr. Gardner. My name is Donald W. Gardner, Jr. I reside at 15 Adams Road in Marblehead, Massachusetts, the town that School Committeeman Kerrigan mentioned yesterday in his testimony.

After 11 years in higher education and secondary education as a teacher and administrator, one unsuccessful run for public office, and 3 years in urban redevelopment here in Boston, I am currently unemployed.

I want to express appreciation to the Commission for coming to Boston this week, for your time and patience, and for holding aloft for all America the moral imperative of desegregation. I realize the main focus of your investigation is on Phase I and Phase II within the city of Boston, so I particularly want to thank you for the opportunity to testify as the founder of the Suburban Coalition, a new organization which believes in the interdependence of city and suburbs, which is dedicated to the task of opening up the suburbs to all people, and to a more equitable sharing and access to housing, education, and job resources in the greater Boston area.

We believe that racial isolation in the suburbs is just as harmful to American as segregation. Our concerns, I believe, are in harmony with the goals of the U.S. Commission on Civil Rights, and we appreciate the great amount of investigation you have already done on this aspect of the issue.

Our first effort as the Suburban Coalition was to support this spring the bill already referred to in these hearings, sponsored by Representative Michael Daly and School Committeeperson Kathleen Sullivan, which would have mandated suburban communities to accept a moderate number, estimated at 4,000, students from South Boston, both black and white, to fill some of their vacant seats in this era of declining enrollment. As you have been told, this bill met a resounding defeat in the general court, with opposition to it from a strange alliance of antibusing groups, the NAACP, and suburban educators.

We will continue to work for a metropolitan solution to desegregation, for we feel it is the only way to achieve a more fair and complete integration, involving the whole metropolitan area, rather than to confine desegregation to the city limits of Boston.

Many have said they agree with this position, but do not want to confuse or undermine desegregation efforts in Boston under Phase I and Phase II by interjecting the metropolitan issue. I understand this reluctance, and share with them strong support for court-ordered desegregation in Boston now, but feel that work should continue on developing programs and legislation for greater suburban involvement in desegregation in the next year or 2, and for the long haul.

As Dr. Robert Coles, author and a resident of Concord, put it last fall in an interview, "People in the suburbs should share it in busing. People in the suburbs are protected behind a wall that is around Boston. It is not fair and I don't think that I should be let off the hook."

I've been a volunteer with one program that I think has been effective in serving some 300 students from city and suburban junior and senior high schools, called "Political Discovery," sponsored by the EDFEL [phonetic] group. It's designed to expose about 50 kids a week to an exploration of city—Federal, State, city resources in the government center. They had the opportunity to talk with the whole range of public officials and lobbying groups and the media, and—including almost every person that you've had on your—on your witness group this week, it seems.

This project funded as a magnet program under chapter 36 of the Racial Imbalance Amendments of 1974—just one example of volunteer programs which can be effective, should be continued.

Chairman Flemming. Thank you, and we'll include the complete statement in the record.

Mr. Gardner. Thank you.

Chairman Flemming. Counsel will call the next witness.

Mr. Stocks. Mr. Norman Oliver.

[Whereupon, Norman Oliver was sworn by Chairman Flemming.]

Chairman Flemming. Thank you. Nice to have you with us. You may proceed in any way you so desire for 5 minutes.

STATEMENT OF NORMAN OLIVER

Mr. Oliver. Okay. My name is Norman Oliver. I reside at 95 Gainsborough Street in Boston.

Tomorrow will mark the first anniversary of Judge W. Arthur Garrity's desegregation. In the past year there has been a concerted, well-organized campaign to thwart the implementation of Judge Garrity's ruling. As Tom Atkins of the Boston NAACP pointed out in his testimony yesterday, the obstruction of the law by so-called antibusing groups has been given tacit if not outright support by various government agencies.

The city council has allowed ROAR to use the council chambers for ROAR meetings. If you walk out into the plaza over here you'll see a ROAR sign pasted up in the front of city hall. The all-white school committee, which segregated the schools in the first place, as Judge Garrity found in his ruling, has stood in the way of black civil rights at every step of the desegregation process. Even the mayor's office is funding the legal challenge of a private organization of the city, the Home and School Association, in its challenge to the desegregation order, and the President himself has taken the side of those in the city who are obstructing justice.

The leaders of the so-called antibusing movement claim that they are only opposed to forced busing. I think it's clear that the antibusing movement is in reality an antiblack movement. It is as American as apple pie to bus kids with freckles to school in Massachusetts. There's never any objection when kids in South Boston went on day trips to

New Hampshire. But when buses attempt to carry black schoolchildren to South Boston, they're met by mobs of rock-throwing whites. The problem is not the bus, it's us, it's black people.

The violence against blacks in the city also shows the antiblack nature of that opposition to school desegregation. Buses have been stoned. There was a near lynching of a Haitian, Andre Jean-Louis, last October. South Boston High School was surrounded by mobs of whites whipped up into a racist hysteria—and these are just a few of the many incidents which occurred.

And like vultures to carrion, the so-called antibusing movement has attracted all kinds of filth in this city, like the Ku Klux Klan and the Nazis, who for a time had an office open in South Boston. The racist violence that has marked the school desegregation process has created an atmosphere in this city in which I think the Nazis feel they can carry out various attacks on supporters of school desegregation with impunity.

I mention these incidents of violence because I believe that they occur because the government in the city, the government in the State and the Government in Washington, D.C. have not made it clear that they will do everything in their power to enforce the law. Far from it.

If 40 black youths, for example, had attacked a white family, I don't believe they would have gotten off scot-free. But just a few days ago, 40 white thugs attacked a family in Hyde Park and broke the cheekbone of one Mrs. Elaine Dale [phonetic].

This violence against the black community must be stopped. I'm glad to see that the Civil Rights Commission is here, but I don't think that's enough. I think there needs to be a full-scale investigation conducted by the Justice Department, by the FBI, of the obstruction of court-ordered desegregation in this city, and I think that those responsible for organizing the law breaking should be apprehended and prosecuted, whether they are in government, as some of them are, or not.

And perhaps most important of all, the black community must be protected from the violence of those who would seek to deny us our democratic rights. It was with utter disgust that I watched President Ford and Secretary of State Kissinger and other Government officials yukking it up over the Government's show of force in the Mayaguez incident. If the Federal Government can send Marines to prop up rotten regimes in Southeast Asia, then it can send the Marines to Boston to enforce school desegregation.

Send the Marines to South Boston, send the Marines to Hyde Park, send the Marines to Roslindale, send the Marines to Charlestown. Enforce the law.

Black school children exercising their right to an equal education must be protected, and if it means Marines with fixed bayonets standing between them—standing between mobs of racist whites, so be it.

My advice to you is that you advise the President and the Congress to enforce the law and to do it with everything that they've got.

Chairman Flemming. Thank you. Counsel will call the next witness.

Mr. Stocks. Joette Chancy.

[Whereupon, Joette Chancy was sworn by Chairman Flemming.]

Chairman Flemming. Thank you. You are recognized for 5 minutes, and may proceed in any way you desire during that period.

STATEMENT OF JOETTE CHANCY

Ms. Chancy. My name is Joette Chancy. I'm a resident of Boston and graduated from Lexington High School this spring after participating in the Maceo city-suburban busing program. I am also a coordinator of the National Students' Coalition Against Racism, NSCAR.

NSCAR was formed by black and white high school and college students last February in response to the racist violence of the antibusing organizations in the city. Over 2,000 students and youths from across the country came together at Boston University to map out a prospectus to support black students in Boston fighting to receive a quality, desegregated education, as the 1954 *Brown* decision said we have the right to have.

I speak before this hearing to express the sentiments held by most black students being bused in Boston, who face the racial slurs by the so-called supporters of quality education for all and neighborhood schools.

The bigots of organizations like ROAR are in reality antiblack. This racism is what we strongly oppose and are organizing against. As had been made abundantly clear by other participants in this hearing, the real issue in Boston has never been busing per se, but who is riding on those buses and where those buses are going.

Buses riding into black communities have never been stoned by community residents of Roxbury. Nor have white students been surrounded by mobs with the clear intent of murdering them, as occurred December 11 outside of South Boston High, when 113 black students were trapped in the school by a bloodthirsty mob.

It has only been defenseless black students in a hostile environment that suffer such agony. Although it has only been the black students in the main who have stood completely for the law of the land, they have suffered the most victimization by school authorities, where the suspension rate is 2 to 1, a travesty of justice indeed.

The mobilization of the black community and its allies will be the way in which the racist antibusing forces will be prevented from denying blacks our democratic rights, particularly our right to receive quality in education.

However, we think the recommendations of this hearing can play an important role in helping to politically isolate the racists and win the fight for school desegregation. Strong recommendations to the Congress, President, and the American people in favor of the law and for its enforcement, whether the Government accepts the views of this hearing or not, can only help the black community and deal a blow to the racists.

It is our opinion that the inaction by the national Government, particularly President Ford's own lack of support to busing, and the active opposition to busing by many city and State officials, makes it imperative for supporters of democratic rights for all and not just for some to stand up for the rights of Boston's black community.

In the final analysis, the issue is more than busing or education, but one of defending a democratic right won by the American people beginning with the Bill of Rights.

Our country is presently in a deep economic depression. For blacks this means a super depression. Unemployment for youth is over 40 percent, and as high as 60 percent in some urban centers. In the context of this economic crisis, there have been increased attacks on democratic gains won by blacks the past decade. This includes in the field of education and housing, and gains in affirmative action programs at universities and industries.

Thus a strong stand for desegregation and for equality in education now will help the defense of other gains made by blacks.

CHAIRMAN FLEMMING. If you have additional comments they will be included in the record, but your 5 minutes have elapsed. Counsel will call the next witness.

MR. STOCKS. Judith Conway.

[Whereupon, Judith Conway was sworn by Chairman Flemming.]

CHAIRMAN FLEMMING. Thank you. Very happy to recognize you at this time for 5 minutes, and you may proceed in any way you desire.

STATEMENT OF JUDITH CONWAY

MS. CONWAY. I appear here today on behalf of the Citywide Education Coalition to present before this Commission the heavy involvement and active participation in the peaceful implementation of Phase I of the Citywide Education Coalition.

The Citywide Education Coalition is a nonprofit, tax-exempt citywide parents' group working towards education reform in the city of Boston, and as such, has been the only citywide group working full-time in all areas of the city to peacefully implement the Phase I plan.

In July of 1974 five neighborhood coordinators were hired to work in five of the six school department administrative districts, and they began to organize parents around safety issues. They worked closely with little city hall managers, fire, police, school department personnel, community groups, agencies, and parents, in providing information and recruiting volunteers to be at schools when school was opened, at bus pickup points, and in general addressed themselves to concerns expressed by parents during this time.

The Citywide Education Coalition, assisted by the workers as coordinators in the neighborhood, acted as rumor control information centers, linked up closely to the little city hall information centers and Freedom House information center during the opening months of school. The coordinators got black and white parents together before the opening of school and during the school year, in an effort to promote better understanding between both parties.

The Citywide Education Coalition found itself this year deeply involved in working with parties in multiethnic councils, Home and School Associations, and parent advisory councils. They worked closely with principals in each of the schools in the planning and implementation of safety procedures. Later, as the year progressed, the coalition, through its coordinators, actively participated in bringing before the principals information on six various spending proposals, 766 special needs, and problems related to requisitions often outstanding for several months, pertaining to inadequate facilities and materials and programs needed within specific schools.

During times of crisis, in particular at Hyde Park High School and South Boston High, coordinators calmed upset parents, took students home, rode buses, and were subject to considerable personal harassment, and in some instances were physically injured in performance of their duty to assure the safety of kids coming and going to school.

Coordinators in several instances acted also as a source of support to parents and students who often themselves were subject to harassment and intimidation. In Area 4, which consists of Hyde Park, Mattapan and Dorchester, agencies such as the Task Force in Education, Lincoln Park, Lena Park, Freedom House, and Roxbury Multiserivce Center often worked with the coordinators to promote racial harmony and dissolve problems.

For example, I was successful in bringing some 30 white parents into the black community for a meeting with black parents before the opening of school. This meeting took place at Lena Park Community Center, and it should be noted that a meeting of this type was the first of its type between black and white parents in Area 4.

Throughout the year the Citywide Education Coalition has been the only citywide organization whose members worked in areas where they lived and had for a number of years. Because of their established prior involvement in the neighborhood, they have been effective in understanding the needs of their neighborhoods, therefore enabling them the unique position of being the only citywide grass roots agency truly knowledgeable about the areas they represented.

Phase II finds the Citywide Education Coalition operating an information center to help parents fill out their assignment forms and expanding the staff of parents and coordinators to act as resource people to principals, community agencies, and parents all over the city.

Citywide Education Coalition is and remains concerned with the educational needs of the children of this city, and its concern has been actively and effectively demonstrated this year, and it will be in the year to come.

Given our experience this year, these are the things we have learned as we look forward to next year: Many schools in the city work very well when both black and white parents came together to resolve problems, and where there was an attempt by school personnel and all community agencies to implement the court order; where there was not an attempt, the schools were less successful.

From a public safety standpoint, enforcement of Phase II must be better than Phase I. Federal agencies were of little assistance this year, and they're going to have to supplement local law enforcement efforts, where in our view it was inadequate.

And looking ahead to September of 1975, it is our opinion that this order can be implemented in most areas of the city and will be implemented through the combined efforts of the community groups. In those few areas where resistance to the court order is most prevalent, the court order must be enforced by governmental officials, whether it be at the Federal, State, or local level. Community groups can only assist in the information process—

CHAIRMAN FLEMMING. All right.

MS. CONWAY. Government agencies must do the rest.

CHAIRMAN FLEMMING. We'll take the rest for the record.

CHAIRMAN FLEMMING. Counsel will call the next witness.

MR. STOCKS. Robert O'Brien.

[Whereupon, Robert O'Brien was sworn by Chairman Flemming.]

CHAIRMAN FLEMMING. Thank you.

STATEMENT OF ROBERT O'BRIEN

MR. O'BRIEN. Mr. Chairman, my name is Bob O'Brien. I'm deputy director of the Kennedy Center in Charlestown and have served in that position for 3 years. As such I have been involved in the efforts of the Charlestown community to influence and respond to the process of desegregation in Boston, particularly Phase II, and I am concerned that the purpose and dimension of community efforts in this regard were unable to be consistently developed for your information in the hearings on Wednesday, June 18.

Specifically I refer to the role of community leadership in Charlestown and particularly the role of its agencies and institutions in the current crisis. In particular, what can agencies do and what have agencies done on this issue?

Despite the relative social homogeneity of Charlestown and other communities in Boston there exists within this community a strong tradition of individual independence and largely healthy skepticism. There is no continuous analyzable personal leadership group on all issues. What is continuous is the potential for leadership around specific issues.

Particularly with regard to a highly controversial community issue, potential leaders in the community and among its agencies and institutions must be sensitive to the need to maintain credibility and consequently effectiveness in terms of that issue, as well as other issues of present and future community involvement. This view of the role of community leadership does not require an abdication of moral responsibility. Rather, it suggests that the need for a realistic assessment of what leadership can achieve under specific issues and a need for action toward that end.

On this basis, the Kennedy Center and its community elected body determined months ago to play a constructive role in resolving the crisis surrounding the then pending Phase II desegregation order.

Toward this end the community affairs committee of the board of directors, under the chairmanship of Moe Gillen, a previous witness before this Commission, called a meeting of an ad hoc coalition of agency and school personnel and community residents and parents, representing a spectrum on this issue in Charlestown.

As a result of the deliberations on the potential leadership role of this group which has come to be known as the Charlestown Committee on Education, it was generally decided that five courses of action could be constructively pursued.

The first of these was to articulate and represent the views of the Charlestown community with respect to Phase II in a lawful and responsible manner with particular focus upon insuring input to the ongoing deliberations of Judge Garrity, the court experts, and the masters. To this end, two community statements were submitted to the court, of which the Commission has copies, and of which the court appears to have taken some cognizance.

Secondly, to accelerate and expedite the direct flow of information to the community regarding Phase II developments and related issues. Toward this end, and with the cooperation of the *Charlestown Patriot*, responsible officials from all levels of government were invited to attend and participate in the meetings of the committee. Included among those so invited were Marty Walsh of the Justice Department, who has been most responsive and cooperative; Dr. Marvin Scott, the court-appointed expert, who accepted our invitation but was specifically ordered not to attend by Judge Garrity; as well as Messrs. Alexander and Stanley of the Civil Rights Commission staff, who were apparently advised by Washington that their participation at this time would not be appropriate.

Given a lack of timely data available, and the inability of certain officials to participate, this informational goal has only been partly achievable to date. However, this situation is expected to improve considerably now that Mr. Gillen has been appointed by Judge Garrity to the citywide coordinating committee.

Thirdly, to facilitate the role of all agencies and institutions with mandated responsibilities in the implementation of Phase II in Charlestown; specifically, the school department, the police department, and other city agencies as well as cooperating State and Federal authorities. Our purpose is not to supplement or supplant their roles in Charlestown, but rather to permit them to carry out their responsibilities free from interference, harassment, and intimidation.

Fourthly, to coordinate those agencies in the community not directly charged with implementation of the court order in their efforts to bring their resources to bear on the current crisis. An example of this type of coordination is the cooperative group summer program for adolescents, which has been developed by the Kennedy Center, the Boys' Club and the Bunker Hill Health Center and reviewed by the committee on education at its last meeting.

The purpose of the program is to educate young people in the spirit and traditions and changes in their community, to encourage them to discuss their options in response to the change involved in desegregation of the schools, and to allow them to consider the consequences of their intended actions in this regard.

CHAIRMAN FLEMMING. We will be very glad to include the rest of the statement in the record. Thank you for being with us. Counsel will call the next witness.

MR. STOCKS. Laurence Boran.

[Whereupon, Laurence Boran was sworn by Chairman Flemming.]

CHAIRMAN FLEMMING. Thank you. It is nice to have you with us. We will recognize you now for 5 minutes.

STATEMENT OF LAWRENCE BORAN

MR. BORAN. Thank you.

Let me begin by saying I am opposed to forced busing. I am a Boston parent of nine children. The first five are boys ages 13 to 18. The four oldest boys were forcibly bused in Phase I.

The results of forced busing and all its ramifications have made racists out of my older children.

In no way will the court order to forcibly bus the rest of my children interfere with my family life, for if it does, come September, we will be gone like the wind.

You might well ask, what has created this attitude?

It was the dual standards of justice imposed by the Federal court, and the administrative procedures so complex as to bog down the system which is typical of anything Federal.

The year 1984 arrived in Boston 10 years early. If you don't believe that, look at the security force in and around this building.

The Federal court track record in the major cities of the United States have created super ghettos because of white flight to the suburbs. This has resulted in minority cities with high crime, high unemployment, and excessive welfare.

I ask you, is this to be the legacy of the Federal courts?

The very survival of the city of Boston as a viable entity is at stake. Massachusetts is broke. Is Boston to follow New York City?

Phase II will accomplish this because of the fiscal recklessness of forced busing and its deleterious side effects. This is only exceeded by the degradation in education that has accompanied it in Phase I.

The low-income or large family are economically locked into the city. We cannot afford private schools, which many have and are preparing to send their children to. To flee, we will suffer a financial loss. But when the battle is lost—and it is a battle—we will flee to protect our children. These will be the very people that the minorities need to make civil rights work.

What will happen in September? Let me remind you that freedom was born here. We are not about to let it die here.

I assure you, Boston will fight the last battle.

CHAIRMAN FLEMMING. Counsel will call the next witness.

MR. STOCKS. Mr. Chairman, I understand that Representative Doris Bunte asked to be allowed to submit a statement for the record, as she could not appear.

CHAIRMAN FLEMMING. Without objection, that will be done.

MR. STOCKS. The same is for Representative Mel King.

CHAIRMAN FLEMMING. Without objection, that also will be done.

MR. STOCKS. Pat Lomans.

Ms. Lomans is not here. We also have a statement for the record from Ms. Lomans, and we would like to submit it at this time.

CHAIRMAN FLEMMING. It will be entered in the record at this point.

MR. STOCKS. Albert Leisinger and Thomas Weston.

[Whereupon, Albert Leisinger and Thomas Weston were sworn by Chairman Flemming.]

CHAIRMAN FLEMMING. Thank you. It is nice to have you with us.

Is it my understanding that these are two witnesses or one?

MR. STOCKS. One.

CHAIRMAN FLEMMING. One statement?

Mr. Leisinger, we will be very happy to recognize you for 5 minutes.

STATEMENT OF ALBERT LEISINGER AND THOMAS WESTON

MR. LEISINGER. My name is Al Leisinger, I live at 11 View South Avenue, Jamaica Plains. I am a member of the Boston Steering Committee of the International Committee Against Racism.

And we have organized a "freedom summer" antiracism project in this city. The purpose of this project is to bring hundreds of antiracist volunteers from all over the United States to help local Boston residents upgrade the schools and implement the desegregation order.

We intend to end the summer with strong integrated Boston parents' groups and car chapters to welcome bused students and to carry on the struggle to upgrade the schools.

The only way the schools can be upgraded is through multiracial unity. This unity is our basic purpose.

I, personally, as a teacher at Boston State College, have taught remedial mathematics to graduates of the Boston schools, and I know that all the schools must be upgraded enormously. Some of my students, for example, from South Boston High and other schools, can't even do long division. This is criminal.

Our program for the schools is to build 25 new schools in poor and working class areas to upgrade all the schools, starting with those in black and poor areas; to hire at $200 a week, 5,000 unemployed people to work on this upgrading plan; to double the number of janitors for proper school maintenance; to expand the bilingual programs; to indict public officials who have made inflammatory statements for conspiracy to violate civil rights of school children; to end the practice of having segregated parents' meetings on the basis of race, which are now taking place at some schools; and to form integrated mass parents' groups for the purposes of upgrading these schools and trying to prevent violence in the fall.

Now certain public officials and influential people have claimed that busing won't work anywhere, that black areas are unsafe areas, that blacks are getting everything, the problem with the schools is maybe the students in them.

We feel these statements are wrong and racist, and that they have led to an atmosphere in which physical violent attacks have occurred on blacks, Spanish-speaking, and white people who have resisted the racist movement in the city.

We feel that the statements against forced busing are hypocrisy because the very people who were found in courts to have intentionally segregated the schools are now, after an 8- or 9-year period, claiming that the only remedy to this is wrong.

Now we, ourselves, have been victims of such physical attacks at various times in the process of distributing our literature in the city, in the process of talking to residents of South Boston, Jamaica Plain, Roxbury and Hyde Park, Dorchester, about our program. We feel that the number of people who have attacked us is very small, but we feel that the Boston police have not done their job in preventing these attacks and we do not intend to be intimidated by such attacks.

Our members have found that the vast majority of people that we have spoken to—and this may interest the Commission particularly—even within South Boston, many people that we have discussed these things with have opposed the racist movement, have been in favor of unity between black and white people.

That we feel that the basic problems in the city are poor schools and unemployment. Thirty percent of the graduates of South Boston High can't get jobs now. It is even worse in Roxbury.

We feel that we need multiracial unity of all the groups in the city to fight for more jobs and to fight for better schools; that the politicians who attack desegregation should be indicted for violating the civil rights of school children. And we wonder why such indictments have not been brought.

I would like to ask the Commission if the Commission is willing to accept evidence, including pictures, about some of the people who have attacked us and to convey this evidence to the proper authorities. These have been armed attacks, they have been violent attacks. We have reason to believe the people who have attacked us are members of ROAR, and we do have pictures to prove this.

Chairman Flemming. When you finish, which will be in about 30 seconds, if you desire to present that evidence to Counsel, they will consider it and make recommendations to us.

Mr. Leisinger. Thank you.

And in conclusion we say that Louise Day Hicks and John Kerrigan, by their public pronouncements and statements, have organized this violence, inflamed it, and that they should pay for it.

Chairman Flemming. Counsel will call the next witness.

Mr. Stocks. Jack Bernstein?

Chairman Flemming. Mr. Bernstein not here? Okay, call the next witness.

Mr. Stocks. Jean McGuire?

Chairman Flemming. Ms. Jean McGuire?

[Whereupon, Jean McGuire was sworn by Chairman Flemming.]

Chairman Flemming. Thank you. We are happy to have you with us, and we will recognize you now for 5 minutes.

STATEMENT OF JEAN McGUIRE

Ms. McGuire. My name is Jean McGuire. I am a resident of Roxbury, a former employee of the Boston public school system for 13 years, and for the last 2 years the executive director of the Metropolitan Council for Educational Opportunity.

I am, of course, deeply concerned with the successful implementation of the long battle to desegregate, and hopefully one day to truly integrate our public schools.

Because we are involved in what 9 years ago seemed to be a temporary urban-suburban integration program because we never really felt it should have had to last this long, we are concerned with the increasing pattern of resistance which has been developed almost inconsistently against what are, right now, voluntary efforts for temporary in school desegregation between Boston and its suburban communities.

It would seem that as soon as blacks begin to realize some success in their goals for integration, there are those who rightfully or wrongfully want to change the rules of the game.

One of the words that is bandied about very often is the word "metropolitanization." And the concept of metropolitanization means many things to many people. But unfortunately the one thing it doesn't deal with is the long history of local control in Massachusetts over public school affairs; local control that the State allows to reside in the power of the local school committee.

Under most of the patterns of suggested metropolitan solutions with the implied belief that the problem is, in fact, the black children and their need for an education, instead of the institutional structure which has denied them that fact in the city of Boston, has caused people to avoid the issue of governments, the issue of constitutional guarantees that under any form of desegregation, the burden will not be placed on one particular class or color of citizen.

I think that much of the resistance to the present program which, although small, has doubled in the last 2 years, due to joint efforts of suburban residents interested in integration and the metro staff, seem to be more than just happen-chance. We are finding now that many of our efforts at new proposals for 1975-76 school year are being flooded with information which is usually false, which is based on innuendo, which is vilifying of both the suburban residents who are promoting them and the motives of this program.

I cannot speak for all the black community, but I can speak out of our experiences that in order for there to be any kind of integration between the city and the suburb over the distances, which go up now to 30 miles, you must have a reception of host parents on the other end, a school committee that is supportive of the program; and some input, hopefully, of curriculum change and black or other minority staff patterns.

We find that the whole metropolitan approach is a dodge to implementing desegregation in the city of Boston. We do not wish to become global before we settle the affairs of our large village.

It seems almost conspiratorial at times. We have no proof of this, but when we find people who are not living in the particular towns where we go, follow us from meeting to meeting with repeated accusations which generally aren't true. We feel that there is a pattern to the resistance to what people hope to be a mandatory metropolitan solution.

I feel that given the facts in the Boston case, with the support of the law, that we can desegregate. We can use the metro model.

CHAIRMAN FLEMMING. Thank you. Counsel will call the next witness.

MR. STOCKS. Mrs. Carol Murphy?

CHAIRMAN FLEMMING. Not here.

MR. STOCKS. Reverend Scott Campbell?

[Whereupon, Reverend Scott Campbell was sworn by Chairman Flemming.]

CHAIRMAN FLEMMING. Thank you. Happy to have you here with us. We recognize you for 5 minutes.

STATEMENT OF REVEREND SCOTT CAMPBELL

REV. CAMPBELL. May I just correct the record as I start off. On the list of witnesses I am listed as being from Rochester. That is incorrect. I am a United Methodist pastor in Boston, in the city of Dorchester, section of Dorchester.

Chairman Flemming. Okay.

Rev. Campbell. The people of Boston had known for some time that 1974 was going to be a year of significant change in our schools. But what we didn't know was just how those changes would affect us.

Throughout the spring of '74 we played guessing games with one another about what the fall would bring. There was very little accurate information available. The school committee was revealing little about its plans for implementing the court order, and parents grew increasingly anxious as the summer approached.

A few citizens' groups tried to respond with what little accurate information was available. But by the time Judge Garrity's final ruling was handed down in the early summer, many people were already in a panic.

It was with our fear of one another at an all-time high, that we came into the fall.

September, however, was not the beginning of our problems in the city of Boston. And even if we do not consider the long years of separation between the black and white communities in employment, and housing and education, there were very specific contributing factors to the explosions which occurred in our city last fall. And I believe all of us were to blame.

Parents assumed that desegregation couldn't work. Twenty-five thousand people marched on the Statehouse during the spring, to protest busing. But most of them had never marched to demand a decent education for all of Boston's children. Politicians were either silent or negative about prospects for a peaceful fall in our schools; no one was willing to risk his or her political career to provide positive encouraging leadership in the crisis which was almost upon us.

The churches couldn't quite believe what was about to happen. Their voice was weak, when it was heard at all.

Community leaders were spending their time in organizing protests and a school boycott instead of working with parents, students, and school officials to insure a peaceful transition.

All in all, there was no significant positive leadership counteracting people's fears and frustrations.

And not only was leadership lacking, but the changes which were coming were directed at a school system which had, in many ways, been floundering for years. Boston's reading scores are well below the national norm. Inequitable distribution formulas of State aid have been a significant part of our problem. In addition, there is no per-pupil minimum expenditure in the State of Massachusetts. These inequities ultimately show up in people's lives.

Boston's high schools, for example, consistently send less than 50 percent of their students on to further education, while nearby suburban schools are often very much higher.

Thus, we entered September with a history of ethnic division, a struggling school system, a lack of positive leadership, and a host of inaccurate impressions about the meaning of desegregation and school busing. It is no little wonder that the eruptions which occurred were not even greater.

Meanwhile we were all desperately searching for someone else to blame for our troubles. However, it soon became apparent that while many of us were haggling over responsibility for various incidents, people were being injured in our schools and on our streets, and concerned people felt powerless to effect any change in the situation.

It seemed that everyone was making statements, but that statements were not redeeming us.

For me it was a time of serious questioning about the role of the church in the city. As I thought back over what had taken place, it seemed to me that the church had been, at best, a noisy gong or a clanging symbol, and at worst, our gong had hardly been a tinkle. What had gone wrong? How had we failed our city?

To be sure, a number of clergy had monitored schools and ridden buses, and on several occasions some clergy had been quite heroic. Still, the church as a whole had been nearly invisible. Why?

During the past few months, I have had a chance to reflect upon that why, and several notions have occurred to me which might be worth sharing.

A part of the reason for the lack of leadership of the church is that the church has forfeited in many ways its right to speak to and for the people of the city. The right to lead comes only when the leader has been involved in the struggle and suffering of the people who are to be led.

The history of the church in Boston in the last 25 years is one of abandonment. For example, in 1950 there were 25 Methodist churches in Boston. Today there are 11, 4 of which are part time. This same pattern has been repeated in other denominations. As people with money have moved to the suburbs, the church's emphasis has followed.

A second contributing factor to the church's lack of power—

CHAIRMAN FLEMMING. Sorry.

REV. CAMPBELL. I am sorry, too.

Thank you.

CHAIRMAN FLEMMING. Again, if you will furnish the complete statement?

REV. CAMPBELL. Okay.

CHAIRMAN FLEMMING. That completes the list of witnesses.

I have a telegram that I would like to read into the record at this point.

"I fully support the decision of Judge Arthur—"

This telegram is from Edward W. Brooke, United States Senate.

> I fully support the decision of Judge Arthur Garrity and the court's plan to desegregate the public school system of Boston.

> There is no viable alternative. Boston must comply with the law as handed down by the U. S. Supreme Court. All Federal, State, county, and local officials have a constitutional duty to uphold and enforce that law. And every citizen of Boston has an equal duty to obey that law.
>
> I pray that all will join in a united effort to insure that the black and white children of Boston will receive a quality integrated education without fear and disorder.
>
> You and your Commission are to be commended for holding these hearings, and I assure you of my continued support.

Counsel has some other documents that he wants to enter into the record at this time.

Mr. Stocks. Mr. Chairman, I have seven documents that were submitted to the record.

Number one is a group of correspondence from the Roslindale Home and School Association.

Number two is a copy of the Boston Code of Discipline for the Boston school system.

Number three is a motion filed by the Children's Defense Fund in the Morgan Beach area regarding school discipline issues.

Number four is a memorandum of law in support of the above motion.

Number five is an affidavit of the attorney filed with the above-mentioned motion.

Number six is an affidavit of Paul Smith, a statistical analysis filed with the above motion.

Number seven is a copy of the revised Boston Code of Discipline when it becomes available.

Chairman Flemming. Without objection, it will be done.

Commissioner Horn. Mr. Chairman?

Chairman Flemming. Commissioner Horn?

Commissioner Horn. I would just like to, as we complete this portion of our Boston desegregation hearings, hope that all those in the room and outside, who have witnessed this hearing, realize the Commission's quest for a diversity of opinion. In my 6 years on the Commission, this has been the most well-prepared hearing that I have witnessed.

We have subpenaed 105 witnesses. In addition, 17 more requested the opportunity to appear before the Commission in these closing hours of this particular portion.

We worked for 5 days.

To my knowledge, the Commission has never heard so many witnesses and worked so long, and I might add under your leadership, without lunch, in all its years in existence.

And speaking as one Commissioner, but I am sure for most of my colleagues, that I think we are all grateful for the many people that contributed to this hearing; the Federal marshals, the executive protection service, the Boston police, the General Services Administration, and even the Offices of the Aging on whom we imposed next door.

And I would particularly like to thank the Chairman for the fairness and the dispatch with which he has conducted these hearings. I hope that is seen by many as one way in which a Federal agency can effectively carry out its responsibilities under the Constitution.

Chairman Flemming. Thank you, Commissioner Horn, very much.

At this time, I will recess the hearing to a date to be determined by the Commission, and, of course, announced publicly.

Thank you all very much.

[Whereupon, at 5:20 p.m., the hearing was adjourned.]

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